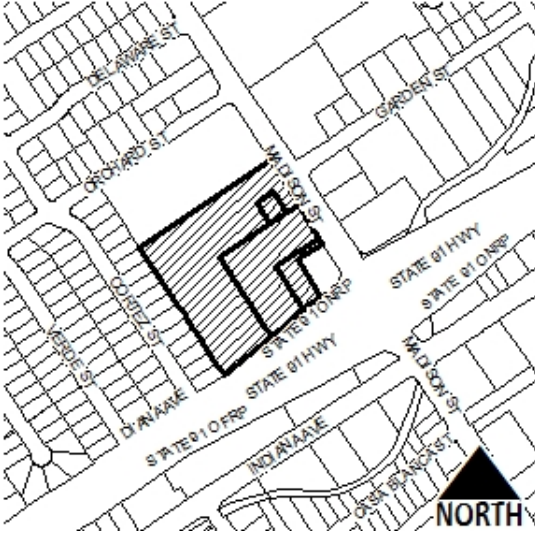




HEARING DATE: JANUARY 12, 2017

ITEM NO.: 2

PROPOSED PROJECT

<i>Case Numbers</i>	P15-0847 (Conditional Use Permit), P15-0848 (Conditional Use Permit), and P15-0850 (Design Review)	
<i>Request</i>	To construct a commercial center in two phases as follows: Phase 1 consists of a 37,849 square foot health and fitness club (24 Hour Fitness) and a 1,950 square foot drive-thru restaurant (Starbucks); and Phase 2 consists of a 41,117 square foot retail building.	
<i>Applicant</i>	Greg Lukosky of PRP Investors Madison, LLC	
<i>Project Location</i>	3590 Madison Street, located at the northwest corner of Madison Street and SR-91 Freeway	
<i>APNs</i>	230-090-005, 230-090-004, 230-090-002, and 230-090-003	
<i>Project area</i>	8.21 acres	
<i>Ward</i>	3	
<i>Neighborhood</i>	Ramona Neighborhood	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	MU-U – Mixed Use-Urban	
<i>Zoning Designation</i>	CR - Commercial Retail Zone and CR-S-2-X - Commercial Retail, 2-Story Height of Buildings and Building Setback Overlay Zones	
<i>Staff Planner</i>	Gaby Adame, Assistant Planner 951-826-5933; gadame@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **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 adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA; and
2. **APPROVE** Planning Cases: P15-0847 (Conditional Use Permit), P15-0848 (Conditional Use Permit), and P15-0850 (Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 8.21-acre site consists of four lots. One lot is developed with a 3,943 square foot Denny's restaurant, and the other three lots are vacant, except for a concrete slab in the southern area of the site where a Bally's fitness center was demolished in early 2016. The property is surrounded by multi-family residences to the north, State Route 91 (SR-91) to the south, single-family residences to the west, and commercial uses immediately to the east and across Madison Street. The gas station, car wash and convenience store located at the southeast corner of the property is not part of the subject property.

PROPOSAL

The applicant requests approval of two Conditional Use Permits to permit: 1) a 37,849 square foot health and fitness club (24 Hour Fitness); and 2) a 1,950 square foot drive-thru restaurant (Starbucks). Design Review is also requested for the fitness club, drive-through restaurant, and a pad for future development of a 41,117 square foot retail building. No structural changes are proposed to the existing Denny's restaurant.

The project is proposed to be constructed in two phases as follows:

- Phase 1 (Construction anticipated to begin in February 2017) - This phase includes the construction of the health and fitness club on the southwest area of the site, adjacent to the SR-91 Freeway on ramp. The ground floor includes a swimming pool and a small spa, locker rooms/restrooms, circuit cycling classroom, free weight training area, a cardio equipment area, a general workout area, retail area, kid's club, administrative offices, and front reception area. The building will be 35 feet in height and consists of modern architecture with varying elevation and façade modulations, consistent with the corporate architectural model for 24 Hour Fitness. The building will primarily consist of a combination of light and dark shot blasted CMU block, an overhead metal trellis over the entry tower, stucco finished walls, and soffit board siding. The health and fitness club is proposed to be open 24 hours a day, seven days a week. It is anticipated that daily peak hours of operation will be between 6:00 a.m. and 7:30 a.m., and 5:00 p.m. and 7:00 p.m.

Phase I also includes the construction of a drive-thru restaurant with a single drive-thru lane on the east side of the site and south of the Denny's Restaurant building. The proposed building consists of an indoor seating area to accommodate 25 persons. An outdoor seating area is also included on the westerly side of the building. A 12 foot wide drive thru lane with stacking for 10 vehicles is proposed along the south and east sides of the building.

Hours of operation are proposed Monday through Sunday from 4:00 a.m. to 11:00 p.m. The proposed building elevations reflect a contemporary architectural style, consisting of cement plaster, black aluminum cornice caps, and a metal trellis.

The architectural design is proposed to complement the health and fitness club, specifically in central massing, use of similar defined cornice elements, and large storefront windows.

- Phase 2 (Construction anticipated to begin in fall 2017) -This phase includes a pad for the future construction of a retail building, north of the proposed health and fitness club. A tenant for this building has not been identified by the applicant. A condition is recommended requiring the applicant to submit a Design Review application for the future retail building to ensure architectural compatibility.

A total of 432 parking spaces are proposed to serve the site, including the existing Denny's restaurant. Access to the site is proposed from two driveways along Madison Street. The main entrance to the commercial center is proposed from a 47 foot wide driveway at the north end of the property. The secondary access will be provided from an existing 25 foot wide driveway, located between the existing gas station and the proposed drive-thru restaurant. The latter driveway will be restricted to right-turn movements only. Two pedestrian access paths are proposed from Madison Street.

Conceptual landscaping and preliminary grading plans include on-site water treatment areas within the landscaped planter at the northeast corner of the site, facing Madison Street, as well as within the 10 to 19 foot wide landscaped planter along the northwest property line. As part of this project, the applicant has been working with Caltrans on the reconfiguration of an existing infiltration basin, located in the southwestern corner of the site. The applicant has indicated an encroachment permit from CalTrans has already been secured.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	N/A	Consistent	Inconsistent
<i>General Plan 2025</i> The MU-U – Mixed Use Urban General Plan designation intends for primarily high-density residential development with commercial, office, institutional and business uses emphasizing retail, entertainment and student-oriented activities. Developments in this designation should encourage the grouping of innovative housing options with employment uses, entertainment activities and public gathering spaces and other community amenities. While the proposed project includes a health and fitness club, a drive thru restaurant, and a future retail building, the project will serve to enhance the viability and aesthetic appeal of this commercial center by providing a health and fitness club, typically a destination-type use, which can increase customer base of existing businesses in the commercial center, consistent with General Plan Policy LU-9.5, which states:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>"Encourage the design of new commercial developments as 'integrated centers,' rather than as small individual strip development. Integrate pedestrian access, parking, access, building design and landscape themes across all parcels in the commercial center to unify the development."</p>			
<p><i>Zoning Code Land Use Consistency (Title 19)</i> The site is zoned CR—Commercial Retail Zone, and CR-S-2-X- - Commercial Retail, 2-Story Height of Buildings and Building Setback Overlay Zones. As proposed, the commercial shopping center consists of a phased development which includes a health and fitness club and a drive-thru restaurant to be constructed in phase 1. Both uses are permitted in the CR Zone, subject to the granting of a Conditional Use Permit and compliance with site location, operational, and development standards. Phase 2 includes a 41,117 square foot retail building, which is permitted as a matter of right within the CR Zone. As proposed the commercial shopping center complies with the standards of the underlying zone and standards specific to drive-thru businesses.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project substantially meets the objectives of the Citywide Design & Sign Guidelines, subject to the recommended conditions of approval. Staff supports the proposal as the site has been designed to ensure compatibility with the adjacent residential uses, enhance the streetscape, redevelop a vacant site, and provide adequate access and circulation. Nonetheless, to further ensure adequate truck and passenger vehicle circulation is provided, the applicant has agreed to restrict trailer delivery hours to off-peak hours.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Drive-Thru Business Standards (Starbucks)</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Frontage</i>	Minimum 100 feet		<u>Madison Street</u> 150 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street		<u>Madison Street</u> Arterial		
<i>Landscape Setbacks</i>	Street Frontage	15 foot planter	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru and Parking Lot	5 foot planter	7 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Minimum Drive-thru Lane Standards</i>	Minimum Length: 180 feet		194 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Stacking: 10 vehicles		10 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Width: 12 feet		12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p align="center"><i>Title 19 – Zoning Code</i></p> <p align="center">CR—Commercial Retail, and CR-S-2-X - Commercial Retail, 2-Story Height of Buildings and Building Setback Combining Zones</p> <p align="center"><i>(Commercial Shopping Center - Health and Fitness, Drive Thru Restaurant, and Retail Building)</i></p>					
Standard			Proposed	Consistent	Inconsistent
<i>Max. Floor Area</i>	0.50		0.24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Setbacks</i>	Front (Madison Street)	15 feet	30 feet 7 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)	0 feet	77 feet 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Freeway Side (SR-91 Freeway)	0 feet	96 feet 8 inches		
	Rear (West)	50 feet	50 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Parking Lot Landscape Setback</i>	Front (Madison Street)	15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (Adjacent to Residential Use)	5 feet	10-19 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side (Adjacent to Residential Use)	5 feet	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Side (State Route 91)	5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Max. Building Height	75 feet		<u>Health and Fitness Club:</u> 35 feet <u>Drive Thru Restaurant</u> 27 feet 4 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Max. Building Stories	Combining Zone requires maximum 2 story buildings*		1 story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking Requirements	Retail - 41,117 square feet: <i>1 space/250 square feet of floor area</i>	165 spaces	432 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Restaurants - 5,893 square feet: <i>1 space/100 square feet of floor area</i>	60 spaces			
	Health/Fitness Club - 37,849 square feet: <i>1 space/150 square feet of floor area</i>	253 spaces			
	Total	478			
	Plus 15% Reduction for Mixed Use	-72			
	Total Required Parking Spaces	406 spaces			

The project proposes to provide a total of 432 parking spaces, where 478 are required. The applicant requested a Mixed Use Parking Credit to reduce the total number of required spaces to 406 parking spaces, which constitutes a maximum of 15 percent of the total required spaces. A parking analysis was provided based on the operational characteristics of the proposed uses, including hours of operation, and number of employees and customers at peak hours, to justify the parking credit. The parking analysis shows two overlapping uses, the health and fitness club and the retail use, would have an estimated parking demand of 198 parking spaces at peak time. This would result in 234 additional parking spaces available for the Denny's restaurant and the proposed drive thru restaurant. In addition, information from the Traffic Impact Analysis, prepared for this project, shows that a retail use (e.g. supermarket) and health and fitness club would have an estimated trip generation of 275 vehicles during evening peak hours. This would result in a total of 198 available parking spaces for other uses on this property. Given the operational characteristics of the uses, there will be adequate on-site parking and Staff can support the parking credit.

In compliance with the provisions for Mixed Use Parking Credit of the Zoning Code, a condition of approval is recommended requiring a covenant to be recorded on the property limiting the mix of uses to those identified in the parking analysis, including a mix with similar operating characteristics. Lastly, a reciprocal parking, access and maintenance agreement, subject to review and approval by the Planning Division and City Attorney's Office, will also be required to ensure shared parking and access will be provided in perpetuity.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The CEQA documentation states the proposed project will not have a significant effect on the environment provided the recommended mitigation measures are implemented.

NEIGHBORHOOD COMPATIBILITY

Generally, shopping centers are considered compatible within the neighborhood they aim to serve. In this case, the property has been developed with a commercial shopping center since 1966, which over time became partially abandoned and demolished.

This project will rebuild the site with a commercial development that will serve the surrounding single family residences and multiple family residences to the west and north of the site, respectively. It has been designed to be compatible with the surrounding sensitive uses. The buildings are proposed to feature modern contemporary design and will not negatively impact the existing Denny's restaurant, which is eligible for historic designation on the State and local level, as it is a rare example of Googie roadside architecture. The project will also provide landscaped areas ranging from 10 to 19 feet along the west and north property lines for aesthetic purposes. In addition, staff is recommending a condition of approval requiring the applicant to plant a combination of 36 and 24 inch box evergreen trees along the west and north property lines. Furthermore, this project will provide adequate access, circulation and on-site parking. Nonetheless, to ensure adequate truck and passenger vehicle circulation is provided, the applicant has agreed to restrict trailer delivery hours to off-peak hours.

In addition, a Noise Study was prepared by a licensed acoustical engineer for this project to assess impacts to the surrounding uses. The Noise Study concludes that noise generated from the

business operations, including the voice order box for the drive-thru restaurant, will be in compliance with Title 7-Noise Control of the Riverside Municipal Code.

Given the recommended conditions of approval and mitigation measures, the project 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 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
4. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan, Elevations, Floor Plans, Conceptual Grading Plan, Conceptual Landscaping Plan)
7. Parking Analysis
8. Existing Site Photos
9. Mitigated Negative Declaration Initial Study

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

Prepared by: Gaby Adame, Assistant Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community & Economic Development Director



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P15-0847** (Conditional Use Permit), **P15-0848** (Conditional Use Permit), and **P15-0850** (Design Review)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

- a. The proposed commercial center 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 commercial center 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 commercial center 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. (Ord. 7331 §111, 2016; Ord. 6966 §1, 2007)

Drive-thru Findings pursuant to Chapter 19.475.050

- a. The proposed commercial center will not substantially increase vehicular traffic on streets in a residential zone.
- b. The proposed commercial center will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic.
- c. The proposed commercial center will not create increased traffic hazards to pedestrians.
- d. The proposed commercial center site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements.
- e. The proposed commercial center will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use. (Ord. 7331 §74, 2016; Ord. 6966 §1, 2007)



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: P15-0847 (Conditional Use Permit), P15-0848 (Conditional Use Permit), and P15-0850 (Design Review)

CONDITIONS

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.

*Mitigation Measures (MM) marked by asterisk.

Planning

1. The drive thru restaurant 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. 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.
3. **Future Retail Use:** The applicant shall submit a separate Design Review application and fee for the future retail building, north of the health and fitness club.

Operational Conditions:

4. Operational activities on the property shall comply with the City's Noise Code (Title 7).
5. *All uses and development of the existing Building Improvements on the Burdened Property shall preserve the integrity of the existing vapor barrier, unless otherwise expressly permitted in writing by the Regional Water Quality Control Board.
6. The applicant shall comply with the Covenant and Environmental Restriction on Property recorded on February 22, 2016 as approved by the California Regional Water Quality Control Board for the installation and maintenance of sub-slab vapor barriers and sub-slab vapor venting systems under the proposed 24 Hour Fitness building.
7. * No Owner, or Occupant shall act in any manner that or is likely to aggravate or contribute to the existing residual contamination on the Proposed Project.
8. Trailer delivery hours shall be restricted to off-peak hours to eliminate any conflicts with truck and passenger vehicle circulation.

Prior to Ground Disturbance or Construction Activities:

9. *Initial ground-disturbing activities (e.g., demolition, grading) should be conducted outside the bird nesting season (February 15 through August 31). If project activities are planned during the bird nesting season, nesting bird surveys should be conducted within 30 days prior to disturbance to ensure birds protected under the MBTA are not disturbed by demolition-related activities such as noise and increased human presence.

The survey shall consist of full coverage of the on-site trees. If no active nests are found, no additional measures are required. If active nests are found, the nest locations shall be mapped by the biologist utilizing GPS equipment. The nesting bird species will be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging). The biologist shall establish a no-disturbance buffer around each active nest. The buffer will be determined by the biologist based on the species present and surrounding habitat. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.

10. *A qualified paleontologist shall be hired to develop and submit a Paleontological Resource Impact Mitigation Program (PRIMP) for this project. The PRIMP shall include the methods that will be used to protect paleontological resources that may exist within the project area, as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading, which shall guide further paleontological activities and treatment during the project:
 - a. Excavation and grading activities in deposits with high paleontological sensitivity (Older Alluvial Fan Deposits) below 5.5 feet shall be monitored by a paleontological monitor.
 - b. If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to halt or redirect construction away from the area of the find in order to assess its significance. Insignificant resource shall be removed and the area cleared, and significant resources shall be collected through salvage excavation.
 - c. Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and offered for curation into the permanent collections of a scientific institution.
 - d. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.
 - e. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected and a paleontologist shall be contacted to assess the find for significance.

Prior to Issuance of Grading Permit:

11. All project grading and construction plans shall include notes specifying that if archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has

evaluated the find in accordance with federal, state, and local guidelines, including those set forth in California Public Resources Code (PRC) Section 21083.2. Construction personnel shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the project site. The found deposits would be treated in accordance with federal, state, and local guidelines, including those set forth in PRC Section 21083.2.

12. 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; and
 - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.

During Grading and Construction Activities

13. The construction contractor shall comply with the South Coast Air Quality Management District (SCAQMD) Rules 402 and 403 for controlling fugitive dust emissions and construction equipment emissions. In compliance with Rule 403, fugitive dust shall be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, dust suppression techniques shall be implemented to prevent fugitive dust from creating a nuisance off site. The following applicable dust suppression techniques from Rule 403 shall be implemented during project construction:
 - a. Nontoxic chemical soil stabilizers shall be applied according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
 - b. Active sites shall be watered at least twice daily. (Locations where grading is to occur shall be thoroughly watered prior to earthmoving).
 - c. All trucks hauling dirt, sand, soil, or other loose materials shall be covered, or at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) shall be maintained in accordance with the requirements of California Vehicle Code (CVC) Section 23114.
 - d. Construction access roads shall be paved at least 100 feet (30 meters) onto the site from the main road.
 - e. Traffic speeds on all unpaved roads shall be reduced to 15 miles per hour (mph) or less.
14. Construction emissions control measures from the SCAQMD CEQA Handbook shall be incorporated to further minimize fugitive dust emissions:
 - a. Disturbed areas shall be revegetated as quickly as possible.

- b. All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
 - c. All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
 - d. Wheel washer devices shall be installed at locations where vehicles enter and exit unpaved roads onto paved roads, or vehicles and any equipment leaving the site shall be washed each trip.
 - e. All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized.
 - f. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.
 - g. The construction contractor shall select the construction equipment used on site based on low-emission factors and high-energy efficiency. The construction contractor shall ensure that construction-grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturers' specifications.
 - h. The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
 - i. The construction contractor shall ensure that construction-grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
 - j. The construction contractor shall time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
 - k. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
15. The construction contractor shall comply with applicable California Department of Resources Recycling and Recovery (CalRecycle) Sustainable (Green) Building Program Measures as follows:
- a. At least 50 percent of construction materials (including, but not limited to, soil, mulch, vegetation, concrete, lumber, metal, and cardboard) shall be recycle/reused.
 - b. "Green building materials" (e.g., those materials that are rapidly renewable or resource-efficient, and recycled and manufactured in an environmentally friendly way) shall be used for at least 10 percent of the project, as specified on the California Department of Resources Recycling and Recovery website.

16. The construction contractor shall comply with Title 24, Energy Conservation and Green Building Standards as follows:
 - a. Low-emission water heaters shall be used. Solar water heaters are encouraged.
 - b. Exterior windows shall utilize window treatments for efficient energy conservation.
17. Consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains.
18. Traffic Control Plan. A Traffic Control Plan shall be prepared for approval by the City of Riverside, Traffic Engineering Section City Engineer, or designee, and implemented during project construction. The Traffic Control Plan would be consistent with the City of Riverside WATCH Manual (Work Area Traffic Control Handbook) and the MUTCD (Manual on Uniform Traffic Control Devices). The Traffic Control Plan may include, but not be limited to, the following:
 - a. Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways and ensure the safe access into and out of the site (e.g., warning signs, lights and devices, flag person);
 - b. Planning routine street closures outside of peak traffic hours (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Monday through Friday);
 - c. Rerouting construction trucks to reduce travel on congested streets;
 - d. Prohibiting construction-related vehicles from parking on public streets;
 - e. Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
 - f. Scheduling construction-related deliveries, other than concrete and earthwork-related deliveries, so as to reduce travel during peak travel periods;
 - g. Obtaining the required permits for truck haul routes from the City of Riverside prior to the issuance of any permits for the project;
 - h. All emergency access to the project site and adjacent areas shall be kept clear and unobstructed during all phases of demolition and construction; and

- i. Flag persons shall be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access.
19. To the extent feasible, and to the satisfaction of the City of Riverside (City), the following measures shall be incorporated into the design and construction of the project:
- a. Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.
 - b. Recycle/reuse at least 50 percent of the demolished and/or grubbed construction materials (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) if feasible.
 - c. Use "green building materials," such as those materials that are resource-efficient and are recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.
 - d. Design all project buildings to meet or exceed the California Building Code's (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:
 - (a) Increase insulation such that heat transfer and thermal bridging is minimized;
 - (b) Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and
 - (c) Incorporate ENERGY STAR® or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
 - (d) Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.
 - (e) Install "cool" roofs and cool pavements.
 - (f) Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
 - (g) Install solar lights or light-emitting diodes (LEDs) for outdoor lighting or outdoor lighting that meets the City Code.
 - e. Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:
 - (a) Create water-efficient landscapes within the development.
 - (b) Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

- (c) Use reclaimed water, if available, for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water, if available.
 - (d) Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets and waterless urinals.
 - (e) Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- f. To facilitate and encourage recycling to reduce landfill-associated emissions, among others, the project will provide trash enclosures that include additional enclosed area(s) for collection of recyclable materials. The recycling collection area(s) will be located within, near, or adjacent to each trash and rubbish disposal area. The recycling collection area will be a minimum of 50 percent of the area provided for the trash/rubbish enclosure(s) or as approved by the Waste Management Department of the City of Riverside.
 - g. Provide employee education on waste reduction and available recycling services.
 - h. To facilitate and encourage non-motorized transportation, bicycle racks shall be provided in convenient locations to facilitate bicycle access to the project area. The bicycle racks shall be shown on project landscaping and improvement plans submitted for Planning Department approval and shall be installed in accordance with those plans.
 - i. Provide pedestrian walkway and connectivity requirements.
- 20. * A vapor barrier system shall be constructed in conjunction with the health club and fitness center. It will consist of a membrane or liner with a passive ventilation system installed beneath structures. The vapor barrier system shall be in compliance with all applicable local, state and federal requirements, if any. The vapor barrier system shall be maintained intact, as per the Regional Water Quality Control Board approved design, by the owner, occupants, purchaser, lessees, and possessors of all or any portion of the Proposed Project. Furthermore, the design shall be in compliance with the Riverside County Department of Public Health, Hazardous Materials Division and the Regional Water Quality Control Board.
 - 21. * No Owner or Occupant shall conduct or permit any work to excavate soil within or on the Burdened Property, unless expressly permitted in writing by the Board, provided that the consent of the Regional Water Quality Control Board shall not be required for any work involving minor excavation and grading to repair, maintain, resurface, grade and/or regrade any existing or future Site Improvements as long as such excavation does not compromise the structural integrity of the vapor barrier that exists beneath the Proposed Project. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Owner, or Occupant, as applicable, performing the work in accordance with all applicable provisions of local, state and federal law.
 - 22. * Except as provided above, any excavation conducted on the Burdened Property shall be performed pursuant to an appropriate and fully implemented Health and Safety Plan approved in writing by the Regional Water Quality Control Board.

23. * No Owner, or Occupant shall drive, bore, otherwise construct, or use a well within the Burdened Property for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board; nor shall any Owner, Lessee or Occupant knowingly permit or engage any third party to do such acts.
24. *Construction activities on the property shall comply with 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.
25. *During all project site excavation and grading on site, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
26. 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.
27. *The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
28. *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.
29. 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.
30. 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.

31. Operators of applicable off-road vehicles (self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on-road) must limit idling to no more than five (5) minutes:
 - a. All construction vehicles shall be prohibited from idling in excess of five (5) minutes, both on and off site.

Prior to Building Permit Issuance:

32. * **Denny's Restaurant.** Construction Plans shall include the following information:

"Any deteriorated or damaged historic features shall be repaired rather than replaced. Where the severity of deterioration or damage requires replacement of a character-defining feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."
33. 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.
34. 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. Freestanding light standards within 50 feet of residentially zoned property shall be no more than 14 feet in height.
35. Roof equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
36. Ground mounted equipment shall be fully screened from the public right-of-way.
37. **Trash Enclosure Condition:** 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 or be finished in stucco and painted to match on-site restaurant building.
38. **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 36 inch and 24 inch evergreen trees along the north and west property lines.

Prior to Release of Utilities and/or Occupancy:

39. A Covenant and Agreement shall be recorded for reciprocal parking, access and maintenance subject to review and approval of the Planning Division and City Attorney's Office.
40. A Covenant shall be recorded on the property limiting the mix of uses to those identified in the original parking analysis, including a mix with similar operating characteristics, subject to review and approval of the Planning Division and City Attorney's Office.
41. 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 Gaby Adame, Assistant Planner, at (951) 826-5933 or gadame@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

Standard Conditions

Planning

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

47. 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.
48. 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.
49. Failure to abide by all conditions of this permit shall be cause for revocation.
50. 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.

Fire Department

Contact Margaret Albanese at 951-826-5455 for questions regarding Fire conditions or questions.

Prior to Permit Issuance:

51. All required fire hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.
52. An automatic fire sprinkler system is required by City Ordinance 16.32.076. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by an approved facility. Post Indicator valves, Detector Check control valves and water flow switches are required to be central station monitored. Have alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.
53. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
54. Construction plans shall be submitted and permitted prior to construction.
55. Fire Department access is required to be maintained during all phases of construction.
56. All new buildings 50,000 square feet or greater shall have installed a Public-Safety Radio Amplification System per our fire dept. bulletin E-14-014, can be found on our website.

Parks, Recreation & Community Services – Park Planning

57. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, and regional/reserve and trail fees) for privately developed areas.

Public Works

58. Deed for widening Madison Avenue to 56 feet from monument centerline to Public Works specifications.
59. Installation of curb and gutter at 44 feet from monument centerline, sidewalk and matching paving on Madison Street south of northerly project driveway to allow for dual left turn pocket into project to Public Works specifications.
60. Removal of existing improvements on Madison Street to accommodate street widening to Public Works specifications.
61. Storm Drain construction will be contingent on engineer's drainage study.
62. Off-site improvement plans to be approved by Public Works prior to issuance of a building permit.
63. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to issuance of a building permit.
64. Installation of a sewer laterals to serve this project to Public Works specifications. If an existing sewer lateral is proposed to be reused, the applicant shall perform a video inspection of the lateral to confirm it is suitable for use. A record of the video inspection shall be submitted to Public Works for review and concurrence.
65. 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.

Prior to Issuance of Building or Grading Permit:

66. 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.
67. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

- a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
68. 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.

Prior to Final Inspection

69. 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.

70. *The project shall restrict the eastbound left-turn egress movement at the existing full-access driveway (located approximately 290' south of the intersection of Madison Street & Garden Street) through the installation of a raised median ("half-pork chop island"), two Type IV Arrows, and two R3-5(R) signs. The island shall not restrict pedestrian movement

across the driveway, nor shall it restrict the right & left turn ingress movement, or right turn egress movement. Concurrence from adjacent property owner (Mobil Gas Station) required prior to issuance of grading permit. Final design is subject to Public Works' approval.

71. *Madison Street & Evans Street Intersection: The project shall furnish two R33 (CA)(L) signs reading: "4 PM TO 6 PM _ MON-FRI". These signs will be deployed at the City's discretion.

Public Utilities – Electric.

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

72. Plot existing electrical distribution facilities on original plot plan tracing and submit for department approval (contact department representative for details).
73. 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.
74. 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.
75. 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.

Public Utilities – Water

76. Advisory: Water utility provisions to the specifications of the Eastern Municipal Water District of Riverside County.
77. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies. Existing water services shall be replaced and belowground fire services upgraded to the specifications of the Water Department.
78. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
79. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.