

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: **P15-0979** (RZ) PLANNING COMMISSION HEARING DATE: November 17, 2016
P15-0980 (CUP)
P15-0981 (DR)

CONDITIONS

Case Specific

• **Planning**

1. The CR-AP-B1 - Commercial Retail - Airport Protection - Compatibility Zone B1 Overlay Zones and CR-AP-C - Commercial Retail - Airport Protection - Compatibility Zone C Overlay Zones shall be applied to the subject property, as shown in Exhibit 5.
2. The applicant shall comply with conditions of approval of the County of Riverside Airport Land Use Commission Development Review Number ZAP1073R116.
3. 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.
4. 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.
5. 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:

6. 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

7. 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.

8. 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.
9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
10. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
11. 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.
12. 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

13. The CR-AP-B1 - Commercial Retail - Airport Protection - Compatibility Zone B1 Overlay Zones and CR-AP-C - Commercial Retail - Airport Protection - Compatibility Zone C Overlay Zones shall be adopted.

14. 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.
15. 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.
16. 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.
17. 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.
18. Ground mounted equipment shall be fully screened from the public right-of-way.
19. **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 or be finished in stucco and painted to match on-site restaurant building.
20. **Block Wall Conditions:** Submit a wall plan such that that the plan provided for Building permit plan check incorporates the following changes:
 - a. The applicant shall work with the adjacent property owner to the east to increase the height of the masonry wall to six feet.
21. **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.

Prior to Release of Utilities and/or Occupancy:

22. 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:

23. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.

- **Environmental Compliance**

24. Wastewater Discharge Survey to be submitted to Environmental Compliance Section and approved. If an interceptor is determined to be installed or replaced for a tenant, this requirement must be complied with prior to opening the business or by the date determined by the Environmental Compliance Section. If an interceptor is required, it shall meet specifications in R.M.C. sections 14.12.255, 260, 270, 275, and be sized in accordance with the Universal Plumbing Code, Chapter 10, Table 10-3, and be a minimum size of 750 gallons. Actual approved interceptor size depends on review of drainage fixture units and survey. Domestic waste shall not be allowed to pass through the interceptor.
25. If a sampling station is required—submit plans of proposed installation.
26. 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.
27. 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.
28. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
29. Note: Other items for correction may need to be completed after actual plans are submitted for a formal review.

- **Fire Department**

30. 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.

31. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
32. Construction plans shall be submitted and permitted prior to construction.
33. Fire Department access shall be maintained during all phases of construction.
34. One new public fire hydrant is required for this project.

- **Parks, Recreation & Community Services – Park Planning**

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

- **Public Works**

36. Advisory – No new driveways permitted.
37. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.
38. Planting of 24" Box Size Street Trees required along public street frontage.
39. Installation of automatic irrigation system to provide deep-root watering to trees is required.
40. 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.

41. 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.

42. 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.

43. 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.

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

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

- **Public Utilities – Electric**

45. 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.
46. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.
47. 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**

48. Prior to Water Plan Approval, the Applicant shall record a common fire service agreement

Standard Conditions

- **Planning**

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.

54. The Project must be completed per the Conditional Use Permit and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by 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.
55. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
56. Failure to abide by all conditions of this permit shall be cause for revocation.
57. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.