



PLANNING COMMISSION HEARING DATE: FEBRUARY 23, 2017

AGENDA ITEM NO.: 3

PROPOSED PROJECT

Case Numbers	P16-0690 (Conditional Use Permit) and P16-0691 (Design Review)	
Request	To consider the construction of a new 4,473 square foot fast food drive-thru restaurant (Raising Canes) with an outdoor patio and 58 parking spaces.	
Applicant	Mo Mokled of PM Design Group, Inc.	
Project Location	11066 Magnolia Avenue, situated east of the intersection of Magnolia and La Sierra Avenues	
APN	138-470-031	
Project area	Approximately 1.71 acres	
Ward	6	
Neighborhood	La Sierra	
Specific Plan	Magnolia Avenue Specific Plan	
General Plan Designation	MU-U – Mixed Use - Urban	
Zoning Designation	CG-X-10-SP Commercial General and 10 foot Building Setback and Specific Plan (Magnolia Avenue) Overlay Zones	
Staff Planner	Suhaïm Bawany, Planning Technician; 951-826-5658; sbawany@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the Planning Commission:

1. **DETERMINE** that this proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) review pursuant to Section 15302 (Replacement or Reconstruction) and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines; and
2. **APPROVE** of Planning Cases: P16-0690 (Conditional Use Permit) and P16-0691 (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 project site is part of the approximately 22-acre "Park Sierra Dining and Entertainment Park" which is bounded by Park Sierra Drive to the northeast, Magnolia Avenue to the northwest, and Diana Avenue to the south. The Center is developed with multiple buildings and a large parking area containing approximately 2,000 parking spaces.

The subject site is located along the Magnolia Avenue frontage and is currently developed with an approximately 7,300 square foot restaurant, a 1,400 square foot outdoor dining area and parking lot.

PROPOSAL

The applicant is requesting a Conditional Use Permit and Design Review to demolish the existing restaurant and associated improvements and construct a new approximately 4,473 square foot fast food restaurant (Raising Canes) with indoor and outdoor eating areas, 58 parking spaces, and an approximately 245 foot long drive thru lane with the ability to stack 11 vehicles.

The proposed restaurant building is rectangular and will be situated approximately 16.5 feet from Magnolia Avenue. It will be located adjacent to an existing two-way driveway which provides vehicle access to the Park Sierra Dining and Entertainment Park complex. The project includes landscaping surrounding the restaurant, a decorative arbor adjacent to the drive-thru similar to Walgreens and McDonald's, and an outdoor dining area. The drive thru windows are proposed to be located on the southerly side of the building, internal to the shopping complex. The queueing lane will be screened by the decorative arbor and landscaping from Magnolia Avenue.

The proposed building is a prototypical Raising Cane's design for Southern California. The finishes will feature earth tone stucco with ledge stone bases and accent walls. The roof element will be standing seam metal. The same roof material will be used for the various canopies.

The restaurant will have approximately 12 total employees and will operate from 10:00 a.m. to 1:00 a.m. Monday through Thursday, and 10:00 a.m. to 2:00 a.m. Friday through Sunday.

PROJECT ANALYSIS

	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The MU-U – Mixed Use-Urban General Plan designation is intended to provide opportunities for primarily high-density residential development with commercial, office, institutional and business uses emphasizing retail, entertainment and student-oriented activities. The Magnolia Avenue Specific Plan identifies this site as a catalyst for a mixed-use development and the greater La Sierra District as a “major employment center in the City with complementary retail, residential and mixed-use development.” While the proposed project is a drive thru business and the surrounding existing commercial center contains retail and office uses, the proposed project would not preclude integration with a mixed-use development in the future. Further, the proposed project is consistent with Objective LU-61 of the General Plan, which seeks to “Enhance the economic vitality of the neighborhood and rejuvenate older commercial centers” in the La Sierra Neighborhood.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The site is zoned CG-X-10-SP Commercial General - 10 foot Building Setback and Specific Plan (Magnolia Avenue) Overlay Zones. Drive-Thru restaurants are permitted in the CG zone, subject to the granting of a Conditional Use Permit and compliance with site location, operational, and development standards. As proposed, the project complies with the standards of the CG zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan Consistency (Magnolia Avenue Specific Plan)</i></p> <p>The Magnolia Avenue Specific Plan (MASP) prohibits drive windows and lanes which directly front onto, or that are readily visible from, Magnolia Avenue. The proposed project orientates the drive thru window on the southerly side of the building, and proposes to screen the drive thru lane from Magnolia Avenue with a decorative arbor and landscaping. Staff supports this design because it minimizes the visibility of the drive-thru from Magnolia Avenue and places the building closer to the street, which will serve to promote walkability and an appealing streetscape. As proposed, the project complies with the standards of the Magnolia Avenue Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>This project will involve the construction of a new 4,473 square foot fast food drive-thru restaurant with an outdoor patio, landscaping and parking. The proposed site design assists in</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>accomplishing the Magnolia Avenue Specific Plan's vision for a viable commercial corridor and minimizes the visibility of the auto-orientated uses. The proposed site plan (Exhibit 6) provides for direct pedestrian access from the Magnolia Avenue sidewalk and the adjacent pharmacy.. The proposed outdoor dining area will provide seating with direct access to the public sidewalk. Additionally, a decorative arbor with a seat wall is proposed between the Magnolia Avenue frontage and drive-thru lane. This treatment, including landscaping, will enhance screening of the drive-thru lane from Magnolia Avenue. As proposed, the project complies with the Citywide Design Guidelines.</p>		
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COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>CG-Commercial General Zone Development Standards</i>				
	Standard	Proposed	Consistent	Inconsistent
<i>Floor Area Ratio</i>	0.50	0.11	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Max. Building Height</i>	75 feet	20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Building Setbacks</i>	Front 10 feet (Building Setback Overlay Zone from Magnolia Avenue)	16.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side 0 feet	213 feet (West) 60 feet (East)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear 0 feet	93 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Landscape Setback</i>	Magnolia Avenue 15 feet	15-60 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.580 – Parking and Loading Minimum Parking Requirement</i>					
	Standard	Parking Required	Parking Provided	Consistent	Inconsistent
<i>Proposed Drive-Thru Restaurant Site (4,473 Square Feet)</i>	1 space / 100 sq. ft. of floor area	45 Spaces	58 Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.475 Drive-Thru Business Standards</i>				
Standard		Proposed	Consistent	Inconsistent
<i>Frontage</i>	Minimum 100 feet	429 feet (Magnolia Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	110-foot Arterial (Magnolia Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building and Landscape Setbacks</i>	Magnolia Avenue - 10 feet	16.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru and Parking Lot - 5 foot planter	5 - 7.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive-Thru Lane Standards</i>	Minimum Length: 180 feet	245 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Stacking: 10 vehicles	11 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Circulation and Access

To facilitate the project, the applicant is proposing to eliminate an existing driveway from Magnolia Avenue. The primary access to the site will be from an existing driveway located just east of the project site. Vehicular access is provided to the center via two driveways from La Sierra Avenue, two driveways from Magnolia Avenue, and five driveways from Park Sierra Drive.

Parking

The applicant has proposed 58 parking spaces in conjunction with this project, which exceeds the 45 spaces required by the Zoning Code. Additionally, the existing surface parking lots within the Park Sierra Dining and Entertainment Park contain an additional approximately 2,000 parking spaces. A shared parking agreement, recorded in 1981, provides non-exclusive use of the parking areas by many of the parcels of the subject complex.

Architecture

The proposed building design provides for well-articulated, four sided building elevations that is consistent with surrounding contemporary architecture and neighborhood. The proposed building elevations (Exhibit 6) include stone veneers (Mountain Ledge), stucco (Dryvit Honey), matte black standing seam metal roof, and metal canopies above the two (2) main entrances that complement the stone veneers and stucco. Staff supports the building elevations as described above, subject to the recommended conditions of approval.

Conceptual Landscaping

In addition to the decorative arbor and landscaping intended to screen the drive-thru lane, the conceptual landscape plan (Exhibit 7) indicates a variety of landscape materials proposed for the project site, including shade trees that will serve to enhance the project site and commercial center.

NEIGHBORHOOD COMPATIBILITY

The project is located within an established commercial center. As designed, the project is compatible with surrounding development patterns along Magnolia Avenue and the surrounding neighborhood. The project will provide adequate access, circulation and on-site parking. Therefore, 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.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15168 pursuant to the adopted Program EIR for the General Plan 2025 and Sections 15302 and 15332, as the project constitutes replacement or reconstruction and infill development.

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 in support or opposition to the project.

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. Specific Plan / Zoning Map
6. Project Plans (Vicinity Map, Site Plan, Grading Plan, Demolition Plan, Floor Plan, Roof Plan, Trash Enclosure, Decorative Arbor & Color Elevations)
7. Conceptual Landscape & Irrigation Plans
8. Photometric Plan
9. Applicant's Project / Activity Description
10. Existing Site Photos

Prepared by: Suhaim Bawany, Planning Technician

Reviewed by: City Planner, Ted White

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P16-0690 (Conditional Use Permit) and P16-0691 (Design Review)

Drive-thru Businesses Findings pursuant to Chapter 19.475

- a. The proposed drive-thru restaurant will not substantially increase vehicular traffic on streets in a residential zone.
- b. The proposed drive-thru restaurant will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic.
- c. The proposed drive-thru restaurant will not create increased traffic hazards to pedestrians.
- d. The proposed drive-thru restaurant 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 drive-thru restaurant will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.

Conditional Use Permit Findings pursuant to Chapter 19.760

- f. The proposed drive-thru restaurant 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;
- g. The proposed drive-thru restaurant 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, with implementation of the recommended conditions of approval;
- h. The proposed drive-thru restaurant 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.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: **P16-0690** (Conditional Use Permit) Meeting Date: February 23, 2017
 P16-0691 (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 approval of the Community & Economic Development Department, Planning Division.

- **Planning**

1. The drive-thru restaurant shall be developed and operated substantially as described in the text of this staff 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 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.
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.

Operational Conditions:

4. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
5. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
6. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

7. Provisions shall be made for regular on-site maintenance and clean-up of the property.

Prior to Grading Permit Issuance:

8. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
- a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - e. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
 - i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
 - ii. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - iii. Wash off trucks and other equipment leaving the site;
 - iv. Replace ground cover in disturbed areas immediately after construction;
 - v. Keep disturbed/loose soil moist at all times;
 - vi. Suspend all grading activities when wind speeds exceed 25 miles per hour;
 - vii. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

During grading and construction activities:

9. 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.

10. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust shall be controlled as required by the AQMD;
 - b. Grading activities shall cease during periods of high winds (greater than 25 mph);
 - c. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer; and
 - d. The contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.
11. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
12. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
13. 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.
14. The Contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
15. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

Prior to Building Permit Issuance

16. 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.
17. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
18. Submit three sets of plans depicting the preferred location for above ground utility transformers of capacity to accommodate the planned or speculative uses within the building(s). These plans shall be reviewed and approved by the Planning Division and

Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. If landscape screening is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.

19. An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material.
20. *Staff Required Plot Plan Conditions:* Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it.
21. The building elevations submitted for building permits shall clearly specify all building materials and colors to match the materials and colors as approved by the City Planning Commission as applicable.
22. Catalog cuts of the proposed decorative arbor shall be submitted for review and approval of Planning staff.

Prior to Release of Utilities and/or Occupancy:

23. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Call Suhaim Bawany at (951) 826-5658 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

- **Building and Safety**

24. The proposed project shall fully comply with the 2016 California Building Code, the 2016 California Green Building Standards Code, the 2016 California Plumbing and Mechanical Codes, the 2016 California Electrical and Energy Codes, and the 2016 California Fire Code as adopted and amended by the City of Riverside, or the version of these codes in effect at the time a permit application is filed.
25. A copy of the City Conditions of Approval, signed by the applicant, shall be incorporated as the second sheet of the building plans and be present at the time of initial plan check submittal. Building plans must show in detail how they will conform to the required conditions as applicable.
26. At the time of initial plan review submittal; (8) sets of complete plans, and (3) sets of site plans are required along with (2) set of specifications, structural calculations, title 24 energy reports, soil reports, or other related documentation and shall be submitted by the applicant prior to the commencement of City plan review services.
27. Two (2) sets of supporting structural calculations shall be prepared under the direction of a California Licensed Engineer or other appropriately licensed design professional. Each set of structural calculations shall bear the wet stamp, date and signature of the licensed design professional prior to permit issuance.
28. The proposed project shall fully comply with Chapter 11-B of the 2013 California Building Code or the version of this code in effect at the time of permit application. The proposed plans shall show in detail all required accessibility features to include all site accessibility components and interior building components, as required.
 - a. Site accessibility features shall show at least one accessible route from public way and transportation stops to the buildings primary entrance while interconnecting other site accessibility features to include accessible parking stalls, trash enclosures and any other required locations. Where more than one path of travel is provided, all shall be made accessible.
 - b. **Advisory:** At least (3) accessible parking stalls are required with 58 parking stalls provided and one shall be van accessible. These stalls shall be provided prior to plan approval and permit issuance.
29. A separate review, approval and permit is required for any proposed onsite structural demolition, perimeter or retaining walls, each separate building/structure, or other site and tenant improvements, if not specifically include within this scope of work as required by the City of Riverside.
30. A soil report with a study of liquefaction potential is required in accordance with the provisions set forth in the most recently adopted version of the California Building Code.

31. All newly constructed non- residential buildings and their supporting facilities or additions and alterations to existing buildings valued at \$200,000 or more shall fully comply with the most recent version of the adopted California Green Building Standards Code.
 - a. The City of Riverside enforces the Mandatory Measures adopted by the State and not the Tier 1 or 2 Standards which are optional to the applicant.
 - b. Include a "Green Sheet" with all required Mandatory Measures and show in detail, all required green features on the proposed plan including clean air vehicle parking, bicycle racks, EV charger ready areas, etc.
 - c. **Advisory:** At least (6) clean air vehicular parking stalls are required with 58 designated parking stalls as shown. Prior to plan approval and permit issuance.
 - d. **Advisory:** At least (1) EV Charger ready parking stall is required and the location and required infrastructure shall be identified on the site and electrical plans prior to plan approval and permit issuance.
32. A detailed scope of work shall be provided on the title sheet of the building plans clearly indicating all proposed building and site improvements to be reviewed by the City under the proposed permit application.
 - a. Not providing clear project information may delay the review and approval process and subsequent permit issuance.
33. Given the scope of work, please obtain County of Riverside Environmental Health approval prior to building permit issuance for the proposed restaurant and required waste pre-treatment device (gravity grease interceptor).
34. Each set of building plans shall incorporate a copy of all the required Title 24 California Energy Code compliance reports, supporting documents and mandatory measures based on the most recent version of the adopted Energy Standards; including but not limited to the building envelope, lighting systems (both internal and external), mechanical HVAC systems and water heaters, where applicable.
 - a. Assure that the required energy report(s) are generated using the latest version of the States approved energy software solution(s) and that each report is registered with an approved HERS provider prior to initial plan check submittal.
35. Additional plan review comments may be forthcoming once the 100% construction drawings are completed and submitted for a comprehensive building plan check prior to permit issuance.

- **Public Works**

Conditions to be fulfilled prior to case finalization:

36. Closure of unused driveways to Public Works specifications.
37. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.

38. Size, number and location of driveways to Public Works specifications.
39. 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.
40. Storm Drain construction will be contingent on engineer's drainage study.
41. Protect Existing Street Trees in place.

Prior to Building Permit or Grading Permit Issuance:

42. 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;
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
43. 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.
44. 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 Final Inspection:

45. 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.
 - a. 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.

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

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

- **Fire Department**

49. 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.
50. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
51. Construction plans shall be submitted and permitted prior to construction.

52. Fire Department access shall be maintained during all phases of construction.

53. One new public fire hydrant is required for this project.

- **Parks, Recreation & Community Services**

Prior to Building Permit Issuance

54. 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 Utilities - Electric**

55. 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.

56. 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.

57. 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.

58. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.

59. Plot existing electrical distribution facilities on the original site plan.

- **Public Utilities – Water**

60. **Advisory:** All asphalt paving repair shall be completed by the Applicant, including City Forces work area.

61. **Advisory:** All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.

62. **Advisory:** Preliminary water fees due prior to water service application are approximately \$60,000.

- **Environmental Compliance Section**

63. Wastewater Discharge Survey to be submitted to Environmental Compliance Section for review and approval:

- a. An interceptor is to be installed, minimum 750 gallons in size, this requirement must be complied with prior to opening the business or by the date determined by the Environmental Compliance Section.

- b. An interceptor is required, and 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.
- 64. A sampling station is required—submit proposed installation on corrected plans.
- 65. 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.
- 66. 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.
- 67. Applicant must completely satisfy all Notice to complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
- 68. Other items for correction may need to be completed after actual plans are submitted for a formal review.
- **Standard Conditions:**
 - 69. There shall be a 24-month time limit in which to commence construction of the project beginning the day following approval by the Planning Commission.
 - 70. 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.
 - 71. 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.
 - 72. 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.

73. 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.
74. 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.
75. 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.
76. Failure to abide by all conditions of this permit shall be cause for revocation.
77. 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.