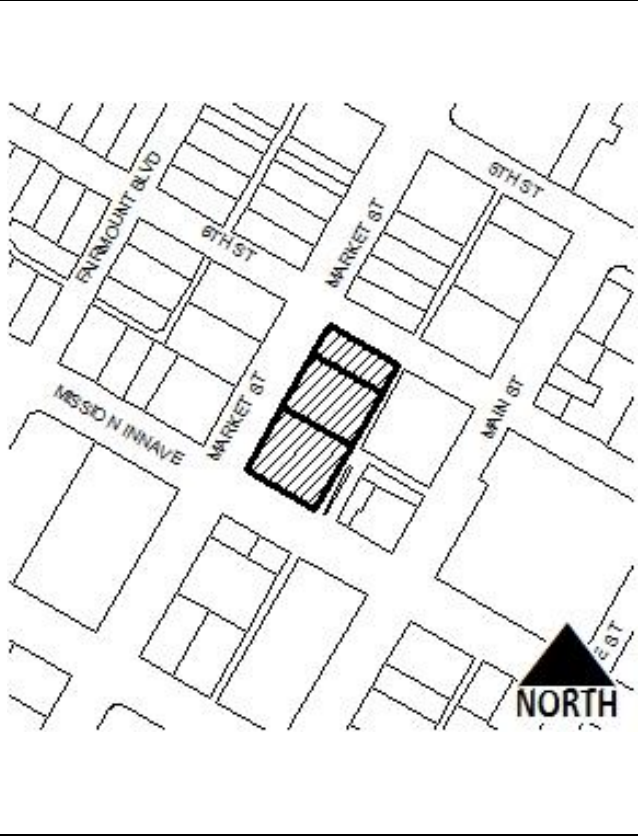




**PLANNING COMMISSION HEARING DATE: APRIL 20, 2017
AGENDA ITEM NO.: #2**

PROPOSED PROJECT

| | | | |
|--------------------------|---|---|--|
| Case Numbers | P16-0321 (Conditional Use Permit), P16-0324 (Variance), P17-0196 (Variance) | | |
| Request | The following entitlements are requested to permit a 234,758 square foot mixed use development containing 165 residential units, 22,000 square feet of multi-tenant commercial space and 337 vehicle parking stalls: 1) Conditional Use Permit to permit the construction of a mixed-use development, with a density greater than 60 dwelling units per acre, a floor area ratio greater than 4.0, and a building height greater than 60 feet; 2) Variances to allow fewer parking spaces than required by Code and a rear yard setback less than required by Code. | | |
| Applicant | Mark Rubin, Regional Properties, Inc. | | |
| Project Location | 3777 Mission Inn Avenue, located north of Mission Inn Avenue, east of Market Street, south of Sixth Street and west of an alley. |  | |
| APN | 213-222-001, 213-222-002 and 213-222-003 | | |
| Project area | 1.20 acres | | |
| Ward | 1 | | |
| Neighborhood | Downtown | | |
| Specific Plan | Downtown Specific Plan – Raincross District | | |
| General Plan Designation | DSP – Downtown Specific Plan | | |
| Zoning Designation | DSP-RC-CR – Downtown Specific Plan-Raincross District – Cultural Resources (Mission Inn and Seventh Street Historic Districts) Overlay Zones | | |
| Staff Planner | Brian Norton, Senior Planner; 951-826-2308; bnorton@riversideca.gov | | |

RECOMMENDATIONS

That the City Planning Commission:

1. **DETERMINE** that the project is consistent with the previously-certified Fox Plaza Environmental Impact Report; and
2. **APPROVE** Planning Cases: P16-0321 (Conditional Use Permit), P16-0324 (Variance) and P17-0196 (Variance) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 1.20 acre project site consists of three parcels. The southernmost parcel is developed with a vacant multi-tenant commercial building (Stalder Building) and the northern parcels with City-managed surface parking lots.

The Stalder building is designated as Structure of Merit #7 and located within the Mission Inn and Seventh Street Historic Districts. Modifications to designated structures required the approval of a Certificate of Appropriateness by the Cultural Heritage Board. A Historical Compatibility Assessment was prepared by G. Taylor Loudon of Historical Architecture Consulting Design to assess the project for compliance with the Secretary of the Interior Standards (Exhibit 10). On March 15, 2017, the Cultural Heritage Board approved the site design and building elevations under Planning Case P16-0323 (Certificate of Appropriateness).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit for a mixed-use development consisting of 165 residential units and 22,000 square feet of commercial space, within a 7-story building, and 337 parking spaces in a 3-level subterranean parking garage. Variances have been requested to allow for a reduced rear building setback and fewer parking spaces than required by Code.

The residential component of the project includes 22 studio units, 82 one-bedroom units, 56 two bedroom units and five three-bedroom units, ranging in size from 542 square feet to 1,547 square feet. Private patios are provided in 140 of the proposed 165 units and range in size from 49 to 127 square feet. The project provides 22,223 square feet of common usable open space throughout the development, including; internal courtyards, roof deck terraces, a fitness center, lounge, two club rooms and a bicycle storage and service area.

The commercial component of the project includes two commercial lease spaces fronting Market Street and Mission Inn Avenue, totaling 22,000 square feet. Lease Area 'A', primarily located along the Market Street frontage, contains 5,500 square feet of commercial space and lease Area 'B', with frontage on both Mission Inn Avenue and Market Street, contains 16,500 square feet of commercial space. While future tenants have not been identified, both lease spaces have been designed to accommodate infrastructure for future restaurant uses.

A secured, three-level subterranean parking garage, with access from the alley will provide 106 parking spaces on level 1, 115 parking spaces on level 2 and 118 parking spaces on level 3. Of the

337 parking spaces, 59 spaces will be provided for commercial lease areas and 278 parking spaces will be provided for residential use.

The project contains multiple interior landscaped courtyards, roof decks, and a pool deck containing accent trees, multiple plant species, raised planters, enhanced pavers and wood decking,. A green roof, located adjacent to the top floor roof deck, will be planted with groundcovers to screen the nearby roof-mounted equipment. Shade trees coupled with hardscape finishes, such as enhanced concrete paving, signature benches and glass embedded concrete are located at street level are proposed to enhance and provide a comfortable pedestrian experience.

PROJECT ANALYSIS

| <i>Authorization and Compliance Summary</i> | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| | Consistent | Inconsistent | N/A |
| <p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of DSP – Downtown Specific Plan.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Specific Plan</p> <p>The project is consistent with the Raincross District of the Downtown Specific Plan. Mixed-use development with densities greater than 60 dwelling units per acre, a floor area ratio greater than 4.0 and a building height greater than 60 feet is permitted in the Mission Inn Historic District of the Raincross District, subject to the approval of a Conditional Use Permit.</p> <p>While the development standards of the Raincross District do not specify a maximum density, the proposed project density of 137 dwelling units per acre is consistent with similarly approved projects within the Raincross District. Staff supports the proposed residential density as the proposed development is consistent with the Goals and Policies of the Downtown Specific Plan.</p> <p>The development standards of the Raincross District allows the floor area ratio to be increased to a maximum of 4.5 within the Mission Inn Historic District, provided the proposed use supports the purpose and intent of the Raincross District. Staff supports the proposed floor area ratio of 4.47, as the project incorporates a mixture of residential and commercial uses that will generate activity during the daytime and evening hours. Additionally, the project will preserve the historic Stalder Building façade and revitalize one of Riverside's historic landmarks, which will further contribute to the historic fabric of Downtown Riverside.</p> <p>The proposed project is similar in height and massing to surrounding buildings within the Raincross District, such as the</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| <p>Hyatt Place and Marriott Hotels, the recently approved Hampton Inn Hotel, the Fox Theatre, the Riverside Metro Center office building and Parking Garage 7. The project building height is gradually increased from the two-story historic Stalder Façade, along Mission Inn Avenue, to a seven story tower along Sixth Street. The 'step-back' design is consistent with the provisions of the Fox Plaza EIR and serves to visually protect the historic Stalder Façade and provides a view shed of the historic Fox theatre tower, located on the northwest corner of Mission Inn Avenue and Market Street.</p> <p>Staff supports the proposed density, FAR, and building height as they will allow development of the property with a project that will create an active streetscape with commercial uses, restaurants, and residential units, compatible with surrounding developments and consistent with the purpose and intent of the Raincross District.</p> | | | |
| <p>Compliance with Mixed Use Standards of the Downtown Specific Plan – Raincross District</p> <p>Staff supports the proposed project, as it has been designed to create an urban-scale mixed-use project consistent with the policies of the Raincross District. The height and mass of the proposed building steps down from Sixth Street towards Mission Inn Avenue, and includes a 17 foot setback behind the historic Stalder Building façade along the Mission Inn Avenue frontage. The reduced massing and setback allows for the view shed of the Fox Theatre tower to be preserved from Mission Inn Avenue. The remainder of the proposed project has been designed to incorporate a zero setback along property lines to achieve greater consistency with the surrounding development pattern. In order to accommodate the project design, a variance for encroachment into the rear yard setback is required. Staff supports the requested variance as the reduced setback is consistent with the surrounding development pattern, and furthers the intent of the Downtown Specific Plan policies; thereby, creating an active pedestrian environment.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed project meets the objectives and guidelines of the Downtown Specific Plan General Design Standards and Guidelines (Chapter 15), Section 15.7 (Design Guidelines for Rehabilitation of Historic Commercial Buildings), as well as the specific Design Standards and Guidelines for the Raincross District (Chapter 16, Section 16.6). On March 15, 2017, the Cultural Heritage Board reviewed the project design and determined the project to be compatible with the Mission Inn Historic District and consistent with the Secretary of the Interior Standards. Staff also supports the conceptual landscape plans as they are consistent with the Citywide Design Guidelines and the Water Efficient Landscape Ordinance of the Zoning Code.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| <i>Downtown Specific Plan – Raincross District – Mixed-Use Standards</i> | | | | | |
|--|--|-------------------------|--|-------------------------------------|-------------------------------------|
| Standard | | | Proposed | Consistent | Inconsistent |
| <i>Density</i> | 60 du/ac, (No maximum unit density with the approval of Conditional Use Permit) | | 137 du/ac | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Height</i> | 100 feet (with the approval of a Conditional Use Permit) | | 67 feet, 6 inches to 94 feet, 2 inches to the top of tower | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>FAR</i> | 4.5 - Mission Inn Historic District (with approval of a Conditional Use Permit) | | 4.47 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Lot Size</i> | 10,000 square feet | | 52,462 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Building Setbacks</i> | Front (Mission Inn Avenue) | 0 feet | 0 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Front (Market Street) | 0 feet | 0 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Front (Sixth Street) | 0 feet | 0 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Rear (Alley) | 15 feet | 0 feet | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Open Space</i> | Private | | | | |
| | Minimum number of units with private open space | 50% (83 units) | 71% (118 units) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum dimension | 5 feet | 5 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum area | 50 square feet | 50 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Common | | | | |
| | Area per unit (50 square feet x 165 units) | 8,250 square feet total | 22,223 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum area | 450 square feet total | 2,452 square feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum dimension | 20 feet | 20 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Downtown Specific Plan – Raincross District – Mixed-Use Standards | | | | | | |
|---|---|-----|-----|----------|--------------------------|-------------------------------------|
| Standard | | | | Proposed | Consistent | Inconsistent |
| Parking | Residential | | | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | 2.5 spaces per unit with 1 or less bedrooms (110 units) | 156 | 156 | | | |
| | 2.0 spaces per unit with 2 or more bedrooms (55 units) | 122 | 122 | | | |
| | Commercial | | | | | |
| | Lease Area A (5,500/150 Restaurant) | 37 | 59 | | | |
| | Lease Area B (16,500/150 Restaurant) | 110 | | | | |
| | Project Total | 425 | 337 | | | |

VARIANCES

Rear Yard Setback

The project meets the development standards of the Downtown Specific Plan, with the exception of the 15 foot rear yard setback, along the public alley. The applicant has requested and submitted variance justifications to allow the rear yard setback to be reduced to zero. In addition, staff has prepared supplemental justification findings in support of the variance. Staff is supportive of the requested variance as the project has been designed to achieve the most efficient use of space on the site, while still complying with minimum open space and maximum floor-area-ratio requirements for mixed-use projects in the Raincross District. Zero setback is consistent with the development pattern in the surrounding area and furthers the intent of the Downtown Specific Plan by creating an active pedestrian environment. Further, existing buildings, including a portion of the historic Stalder façade and recently approved buildings in the Raincross District have been designed to feature zero-lot-line construction along the rear alley.

Parking

The proposed project differs from the generalized requirements for the number of parking spaces within the Raincross District of the Downtown Specific Plan and Zoning Code. The project includes 337 parking spaces within three subterranean levels with access from the adjacent alley.

The project will allocate 278 parking spaces for the residential component on Subterranean Levels 2, 3 and partially on Level 1, consistent with the requirements of the Downtown Specific Plan and the Zoning Code. On-site residential parking will be managed by property management to ensure that each resident has access to their designated parking space.

The project includes 59 on-site parking spaces for the commercial component of the project. Based on a retail parking ratio of 1 parking space for every 375 square feet of floor area, a total of 59 parking spaces would be required. Thus, the project would meet the minimum parking requirement. However, the applicant envisions a mix of uses, including; restaurant, retail and office use. In order to allow a wider range of uses, including restaurants, the applicant has requested a variance to allow for a restaurant parking ratio, of one parking space for every 150 square feet of floor area, for the entirety of the commercial area. This would result in a parking requirement of 147 parking spaces.

The applicant has prepared justification findings in support of the variance request. In addition, staff has prepared supplemental justification findings in support of the variance. In addition, the project site is uniquely situated within proximity to Public Garages 3 and 7 and the Riverside Metro Center parking structure, where up to a total of 1,036 parking spaces are available throughout the daytime and evening hours. In 2016, the City of Riverside commissioned Dixon Resources Unlimited to conduct a parking plan (2016 Riverside Strategic Parking Plan) centered on downtown, for future parking needs through progressive parking strategies to maximize the use of existing parking. The study included a utilization study of the existing downtown garages, including those in proximity to the proposed project. The study found that Garage 3 has a higher rate of use during standard work hours, but is underutilized during evening hours and on weekends, while Garage 7 demonstrated a very low rate of use during all weekday hours, but a higher rate of use on the weekends. The study concluded that both Garage 3 and 7 provide ample available parking to visitors of Downtown in centrally located areas.

Staff finds that the reduction of commercial parking spaces is consistent with similarly approved projects within the Raincross District and is appropriate in walkable, urban districts where a mix of uses and parking garages exist, encouraging a park-once concept.

NEIGHBORHOOD COMPATIBILITY

The proposed project involves infill development and is compatible with surrounding commercial, office and residential land uses. The project demonstrates consistency with the goals and policies of the Downtown Specific Plan by providing development that supports existing commercial, office and entertainment uses. Furthermore, edge conditions along Mission Inn Avenue, Market Street and Sixth Street have been designed to provide a strong pedestrian interface by including commercial uses on the ground floor, minimizing building setbacks, and incorporating design elements such as large storefront window systems, multiple pedestrian entrances, overhead awnings and benches to emphasize a human scale design and create a strong sense of place.

The integration of commercial and residential uses in a pedestrian-friendly configuration is compatible with surrounding development in the Raincross District. The overall site design, including; building height, massing, floor area ratio and residential density are consistent with similar developments in the Raincross District of the Downtown Specific Plan.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project site is part of the Fox Plaza mixed-use development and associated Environmental Impact Report (EIR), approved and certified in June 2008. The Fox Plaza development included 76,000 square feet of commercial space, 532 residential units and multiple parking structures with 1,693 parking spaces. This development, generally bounded by Fifth Street, Fairmount Boulevard, Mission Inn Avenue and the public alley half way between Market and Main Street, was divided into multiple blocks and phases.

The proposed Stalder Plaza development is located within Block D of the Fox Plaza project, which was assessed for mixed-use, containing 165 residential units, 22,000 square feet of commercial space and a parking structure with up to 356 parking spaces. As proposed, the Stalder Plaza development is consistent with the analysis previously conducted for the Fox Plaza Environmental Impact Report. Therefore, no additional environmental analysis is necessary. A mitigation monitoring and reporting program has been created for the project based on the mitigation measures within the Fox Plaza Environmental Impact Report.

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.

APPEAL INFORMATION

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

EXHIBITS LIST

1. Staff Findings, Variance Justification
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. Specific Plan/Zoning Map
5. General Plan Map
6. Existing Site and Context Photos
7. Project Plans (Site Plan, Floor Plans, Elevations, Renderings, Conceptual Landscape, Civil Site Plan, Conceptual Grading)
8. Applicant Variance Justifications
9. Cultural Heritage Board Staff Report – P16-0323
10. Historic Compatibility Assessment
11. City of Riverside 2016 Strategic Parking Plan – Executive Summary (Dixon Resources Unlimited)
12. Mitigation and Monitoring Reporting Program (Stalder Plaza)
13. Comment Letters

Prepared by: Brian Norton, Senior Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community and Economic Development Director



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – FINDINGS

PLANNING CASES: **P16-0321** (Conditional Use Permit), **P16-0324** (Variance), **P17-0196** (Variance)

FINDINGS

Conditional Use Permit:

- a. The proposed use 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 use 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 use 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. 6966 §1, 2007) The proposed project is consistent with the General Plan 2025 and the intent and purpose of the DSP-RC – Downtown Specific Plan and Raincross District and the DSP – Downtown Specific Plan land use designation.

Variances

- A. To allow a mixed-use project with a residential component to encroach into the 15-foot required rear yard setback (alley); and
- B. To allow 59 parking spaces to serve 22,000 square feet of multi-tenant commercial space, where 147 parking spaces are required.
 1. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;*

Variance A: The proposal **complies** with this finding.

The purpose and intent of the Zoning Code is stated in Riverside Municipal Code section 19.020.010:

The purpose of the Zoning Code is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry, water conservation or other purposes in appropriate places; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and, to regulate and limit the density of population and for such purpose to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public facilities; and, to promote the public health, safety and general welfare, all as part of the General Plan of the City.

The 1.20 acre downtown project site is surrounded on all sides by public-right-of-way. The project, as proposed, has been designed to achieve the most efficient use of space on the site, while still complying with minimum open space and maximum floor-area-ratio requirements for mixed-use projects in the Raincross District. Further, existing buildings, including a portion of the historic Stalder façade and recently approved buildings in the Raincross District have been designed to feature zero-lot-line construction along the rear alley. Increasing the rear setback would result in the loss of common usable open space by reducing interior amenity courtyard dimensions, which would constitute a practical difficulty contrary to the objectives of the Downtown Specific Plan. Further, strict compliance with the Specific Plan setback requirements would result in a building footprint that is inconsistent with surrounding development. The resulting loss of floor area and potential parking spaces would constitute an unnecessary hardship inconsistent with the policies of the Raincross District of the Downtown Specific Plan.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

Variance B: The proposal complies with this finding.

The purpose and intent of the Zoning Code is stated in Riverside Municipal Code section 19.020.010:

The purpose of the Zoning Code is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry, water conservation or other purposes in appropriate places; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and, to regulate and limit the density of population and for such purpose to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations

and provide for their enforcement. Further, such regulations are deemed necessary to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public facilities; and, to promote the public health, safety and general welfare, all as part of the General Plan of the City.

The stated goals and policies of the Raincross District of the Downtown Specific Plan include an emphasis on an intense mixture of residential, entertainment, restaurant, cultural and other uses in a compact, walkable, high-activity pedestrian environment with a strong sense of place. Compliance with the Zoning Code requirements for the number of on-site parking spaces would inappropriately apply citywide parking standards to an urban infill project in direct contravention of the purpose and intent of the Raincross District of the Downtown Specific Plan. Further, strict compliance with Zoning Code requirements would necessitate adding additional parking spaces to the site plan, resulting in a reduction in the amount of commercial floor area, number of dwelling units or the acquisition of additional property, each of which would constitute a practical difficulty due to the uniquely constrained nature of the site. Finally, the addition of additional parking spaces for commercial uses associated with the project would be duplicative of the over 1,000 parking spaces in three garages directly west and south of the project site, which would both impose an unnecessary hardship on the project and contradict the intent of the Downtown Specific Plan to create a sense of place and foster a more compact pedestrian environment within the Raincross District. Other buildings and uses within the vicinity generally have limited or reduced parking and depend upon shared public parking.

Chapter 16 of the Downtown Specific Plan recognizes that "Off-street parking demand in the downtown area is generally below capacity...." and "The current parking code requires parking supply for buildings to be located on-site. This is an impediment to new land uses in downtown." The Zoning Code recognizes the site constraints and the impediment that strict application of the Zoning Code would cause.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

2. *There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification;*

Variance A: The proposal **complies** with this finding.

The constraint of the project site and its location in a historic area urban setting, presents a special circumstance or condition applicable to the property involved or to the intended use or development of the property that does not apply generally to other property in the vicinity and under the identical zoning classification.

The project site abuts a 16-foot public alley to the rear. The proposed project follows the setback of the existing historic Stalder building façade along the public alley. Although the public alley is 16 feet in width, the J.F. Backstrand Building (City Structure of Merit #289) is located approximately 26 feet away from the east side of the alley. These conditions effectively achieve more than the 15-foot rear setback required of mixed-use projects by the Downtown Specific Plan, a special circumstance that does not apply to similar properties within the Raincross District.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

Variance B: The proposal complies with this finding.

The intended use of the property is a mixed-use project designed to complement the existing pattern of development and surrounding land uses by fostering a 24-hour Downtown environment with a high degree of pedestrian activity. This type of development appeals to a market segment that has demonstrated lower rates of vehicle ownership and a stronger desire for urban amenities than for ample vehicle parking. Further, the project site is uniquely positioned in close proximity to large public and private parking facilities that are available to employees, patrons and visitors as part of the overall pool of available public parking, which is consistent with the "park once" concept; whereby visitors can make use of available centralized parking facilities and conduct the majority of their business on foot. Finally, the project is located directly north of Garage 3 across Mission Inn Avenue, a 292-space public garage and east of Garage 7 across Market Street, a 397 space public garage, both open to the public during daytime, evening and weekend hours. The City of Riverside Strategic Parking Plan, conducted by Dixon Resources Unlimited was undertaken in 2016 to help the city plan for future parking needs through progressive parking strategies to maximize the use of existing parking. The study included a utilization study of the existing downtown garages, including those in proximity to the proposed project. Garage 3 has a higher rate of use during standard work hours, but is underutilized during evening hours and on weekends. Garage 7 demonstrated a very low rate of use during all weekday hours, but a higher rate of use on the weekends. Both Garage 3 and 7 provide ample available parking to visitors of Downtown in centrally located areas. These combined circumstances are unique to this specific site, and the project has been designed to consider these conditions which may not apply generally to other properties in the Downtown area.

The project area was developed many decades ago, before the current parking standards were imposed; a current project in a historic area is a special circumstance and condition applicable to the project site.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

3. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and*

Variance A: The proposal complies with this finding.

The project has been designed to be consistent with the Secretary of Interior Standards, through the use of architectural detailing, the preservation of the historic Stalder Building façade and the massing and articulation of the project, consistent with surrounding development. The project was determined to be compatible with the Mission Inn Historic District by the Cultural Heritage Board on March 15, 2017 (Planning Case P16-0323). The site plan has also been designed to safely accommodate both residential and commercial traffic along the rear alley, and to provide sufficient overhead clearance for utility vehicles. The project design, which includes residential units that face out onto the surrounding public right-of-way, including the alley, will enhance public safety by providing additional visual supervision. Finally, the project will increase commercial and residential activity within the Downtown, to the benefit of surrounding properties and the public.

The project setback is consistent with the historic practices of the historic area, and thus is not detrimental or injurious to the area.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Variance B: The proposal complies with this finding.

The project's location within the Downtown core creates efficiencies in terms of access to services, employment, amenities and transit within walking and biking distance of the project. Ground floor commercial spaces have been designed for intended uses that are compatible with the permitted uses within the Raincross District, encouraging a "park once" concept for visitors and patrons. Additional parking needs for commercial tenants can be comfortably accommodated by existing public and privately controlled parking in the immediate project area. Finally, the project will improve and activate an underused corner within the core of Downtown, providing new pedestrian activity at the street level as well as increasing a full-time residential population to the Raincross District, which benefits the surrounding properties and the safety and welfare of the public.

4. *The granting of the variance will not be contrary to the objectives of any part of the General Plan.*

Variance A: The proposal complies with this finding.

Staff has reviewed the Project and the General Plan, and determined that the variances will not be contrary to the objectives of any part of the General Plan. The project is consistent with Objective LU-48 of the General Plan 2025, which seeks to:

"Strengthen the identity and character of Downtown using the existing historic and architectural urban character of the community, while allowing for new structures that are architecturally compatible with and complementary to the existing architectural and historic fabric."

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of the variance will not be contrary to the objectives of any part of the General Plan.

Variance B: The proposal complies with this finding.

Staff has reviewed the Project and the General Plan, and determined that the variances will not be contrary to the objectives of any part of the General Plan. The project is consistent with a number of Goals and Policies for the Raincross District set forth by the Downtown Specific Plan, as well as the General Plan 2025, including, but not limited to:

- To strengthen the interaction between residential, commercial and employment uses so as to facilitate a more efficient use of transportation systems, to encourage the conservation of land resources and create a vital urban area that is a place of daytime, evening and weekend activity (DSP 6.8.2);
- To maintain the integrity of the Raincross District as the pedestrian-oriented center of Downtown, with an emphasis on an intense mixture of residential, specialty commercial, tourist, restaurant, cultural, arts, and civic uses. Design philosophy emphasizes new and infill construction that is compatible with the historic structures that give Downtown its unique identity (DSP 3.4.1, Policy LU-1.1);
- Encourage mixed-use development with a strong residential presence in the Raincross District, including both new construction and the adaptation of upstairs spaces in existing buildings for residential purposes (DSP 3.4.1, Policy LU-4); and
- The Project is consistent with Policies CCM-13.1 - 13.5, which address the objective of ensuring that adequate on- and off- street parking is provided throughout Riverside.

Based on the above findings, the Zoning Code, the Downtown Specific Plan, and the information prepared for this Project, staff finds that the granting of the variance will not be contrary to the objectives of any part of the General Plan.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Number: **P16-0321** (Conditional Use Permit)

P16-0324 (Variance)

P17-0196 (Variance)

Meeting Date: April 20, 2017

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 Development Department, Planning Division.

Case Specific

1. All applicable conditions of related Planning Case P16-0323 (Certificate of Appropriateness) shall apply.
2. All Mitigation Measures listed in the Mitigation and Monitoring and Reporting Program (exhibit 12) shall apply.
3. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved development shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required. Additional review by Historic Preservation staff and/or the Cultural Heritage Board may also be required.

Planning

Prior to Grading Permit Issuance

4. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Compliance with City adopted interim erosion control measures;
 - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;

- d. Note all drainage features will be color treated to match surrounding terrain; and
 - e. Final BMPs shall be finalized, subject to Public Work Department approval.
- 5. Grading plans shall demonstrate that the project is designed such that the finished floor elevation of the ground floor commercial spaces are level with the sidewalk on the Mission Inn Avenue, Market Street and Sixth Street frontages.
- 6. A construction phasing plan shall be submitted and approved by the Planning Division, the Public Works Department, Fire Prevention and Building and Safety.

During Grading:

- 7. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. 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 to Public Works Department for review and approval. The Traffic Plan shall include, 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. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - b. Wash off trucks and other equipment leaving the site;
 - c. Replace ground cover in disturbed areas immediately after construction;
 - d. Keep disturbed/loose soil moist at all times;
- 8. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
- 9. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

10. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, *State CEQA Guidelines* 15064.5(e), and Public Resources Code 5097.98 must be implemented. Specifically, in accordance with Public Resources Code (PRC) Section 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the MLD and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.
11. 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.

Prior to Issuance of Building Permit:

12. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. 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 accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division prior to preparing these plans.
13. Submit three sets of plans depicting the exact size, design and location of the domestic water backflow preventer and all on and off-site utility cabinets to the Planning Division. These plans will be reviewed and approved by the Water Department and Planning Division. The design shall include the smallest preventer possible, painted green with some form of screening. The applicant is advised to consult with the Water Department prior to preparing these plans. Backflow preventers shall be screened to the fullest extent possible and shall not encroach onto any sidewalks or pedestrian paths of travel.
14. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval.

15. **Photometric/lighting Plan:** An exterior lighting plan shall be submitted with building permit plans review and approval. Photometric plans shall include the following;
 - a. For safety, sufficient lighting shall be located at the vehicle entry driveway and include a form of decorative lighting.
16. **Landscape and Irrigation Plans** shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping and irrigation plans must be submitted prior to building permit issuance. Landscaping and irrigation shall be installed per the approved plan and a 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 shall be submitted to the Planning Division. Call the Case Planner to schedule a final inspection at least one week prior to needing the release of utilities.

Site Operation Standards

17. Any graffiti on the facility shall be removed within 24 hours of notification.

Prior to Release of Utilities and/or Occupancy

18. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Call Brian Norton, at (951) 826-2308 to schedule the final inspection at least a week prior to needing the release of utilities.

Public Works Department

19. Installation of sewer main and laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.
20. Driveway(s) size and location to Public Works specifications.
21. Southerly portion of existing alley to be vacated and realigned prior to issuance of building permit.
22. Closure of unused driveway(s) to Public Works specifications.
23. Any decorative paving and/or concrete within the public right-of-way needs to be approved by all affected departments and shall be maintained by the owner. A covenant and agreement, subject to the City Attorney's approval, shall be recorded to specify maintenance responsibilities prior to or concurrently with map recordation.
24. Off-site improvement plans to be approved by Public Works prior to map recordation.
25. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.

26. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.
27. 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.

28. 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.

29. 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.

30. 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.

31. 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 Works Department – Street Trees

32. On Mission Inn Boulevard, replace California Fan Palms with 24" Box Size Chinese Flame Trees (*Koelreuteria bipinnata*).

33. On Sixth Street, replace Queen Palms with 24" Box Size Ginkgo biloba.

34. Installation of automatic irrigation system to provide deep-root watering to trees is required.

Public Utilities Electric

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

35. 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.

36. 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 purveyor.

37. Blanket public utility easements on all parcels.

Public Utilities Water

38. Prior to building permit issuance, the Applicant shall execute an agreement to maintain and repair the proposed decorative sidewalks and pavement within public right-of-way and utility easements.

39. Prior to building permit issuance, the Applicant shall construct or cause to construct a 12-inch water main in Sixth Street from Market Street to easterly service connections, approximately 100-feet.

Public Utilities Electric

40. 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.
41. 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.

Building and Safety

42. **Codes in Effect:** The proposed project shall fully comply with the 2016 version of the California Building, Residential, Plumbing, Mechanical, Electrical, Green, Energy, and Fire Codes, as adopted and amended by the City of Riverside; or the version of these codes in effect at the time a new permit application is filed.
43. **Licensed Design Required:** Given the project scope of work; appropriately Licensed California Design Professionals are required to oversee the building plan design which shall bear the wet stamp, date and signature of each licensed professional as required by Sections 5537 and 6737 of the California Business & Professions Code.
44. **Plan Review:** Building plan review fees will cover the initial plan check and two rechecks only. Any additional review required beyond the first three (3) plan checks shall be paid by the applicant on an hourly basis in accordance with the current B&S fee schedule.

Note: This project shall require a 25 working day (5 week) plan check turnaround schedule for the initial plan check and a 15 working day (3 week) back check for each subsequent review. Expedited plan review services may be available that can reduce the plan check turnaround times in half for an additional fee. Please make any such requests at the permit counter prior to plan check submittal in order to verify staff availability.

45. **Conditions of Approval:** A copy of the City Conditions of Approval, signed by the applicant, shall be incorporated as the second sheet of the building plans and be present at the time of initial plan check submittal. Building plans must show in detail how they will conform to the required conditions as applicable.
46. **Plan Review:** At the time of initial plan review submittal; (8) sets of complete plans and (3) sets of site plans along with (2) sets of specifications, structural calculations, title 24 energy reports, soil reports, or other related documentation is required and shall be submitted by the applicant prior to the commencement of City plan review services.

47. Fees: All plan check, permit, and other development related impact fees from the various City Departments and Agencies shall be paid prior to building permit issuance. Plan check fees are due upon initial plan submittal to the B&S Division.
48. Structural Calculations: (2) sets of supporting structural calculations shall be prepared under the direction of a California Licensed Engineer or other appropriately licensed design professional. Each set of structural calculations shall bear the wet stamp, date and signature of the licensed design professional prior to permit issuance.
49. Accessibility: The proposed project shall fully comply with Chapters 11-A and 11-B of the most recent version of the California Building Code and include all exterior and interior accessibility features as required.

Advisory Notes:

- a. On the civil and architectural site plans; clearly indicate the accessible route(s) from public way and transportation stops on site along with all accessible parking and paths of travel to the buildings entrance(s) and all covered multi-family dwelling units.
 - b. Please clarify all on site assigned and unassigned parking for the residential and non-residential parking facilities. Chapter 11-A governs the residential requirements and 11-B, the commercial.
50. Separate Permits Required: A separate review, approval and permit is required for any proposed onsite structural demolition, perimeter or retaining walls, each separate structure, or other improvements, if not specifically include within this permit applications scope of work, as required by the City of Riverside.
 51. Project Scope of Work: 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.
- Note: Not providing clear project information may delay the review and approval process and subsequent permit issuance.
52. Soil Report: 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.
 53. Green Code: All newly constructed non-residential buildings and facilities shall fully comply with the most recent version of the adopted California Green Building Standards Code.

Note:

- a. The City of Riverside enforces the Mandatory Measures adopted by the State and not the Tier 1 or 2 Green Standards which are optional to the applicant.

- b. The site plan shall clearly include all required bicycle parking, clean air vehicle parking and EV-Ready parking stall locations as required by Chapter 5 of the CGBSC. Please coordinate the electrical plans accordingly for all required EV ready infrastructure.
 - 54. Phasing Plan: A construction phasing plan shall be submitted for review and approval, prior to any permit issuance. Construction phasing plans shall incorporate any pertinent information deemed necessary by the Building Official in order to ensure the health, safety, and welfare of the general public and building occupants during construction. Information required may include shoring, demolition, fire access, ingress and egress paths of travel, pedestrian paths of travel, accessibility requirements, construction barriers, site protection, approved separations from any occupied areas, construction schedules, staging areas, temporary building locations, or any other information as directed by the Building Official.
 - 55. Residential Fire Resistive Design and Sound Attenuation: Each dwelling unit shall be separated from one another with approved one hour fire resistive assemblies while also maintaining the minimum required sound transmission control (50 STC).
 - 56. Title 24 Energy Standards Compliance: Each set of building plans shall incorporate a copy of all required Title 24 California energy 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.
- Advisory note: 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.
- 57. Building Code Analysis:
 - a. Specify the use and occupancy of each space within the building.
 - b. Justify the construction type(s), building height and size of the proposed building(s) through an Area Analysis in accordance with Chapters 5 and 6 of the California Building Code.
 - c. Specify all fire resistive design elements, walls, and horizontal assemblies in accordance with Chapter 7 of the California Building Code.
 - d. Provide a complete exiting analysis for each story in accordance with Chapter 10 of the California Building Code.
 - e. Occupant load calculations per story shall be provided with the exiting analysis for the building in accordance with Chapter 10 of the CBC.
 - 58. **Note:** Additional review comments may be forthcoming once 100% construction drawings are completed and the proposed project is submitted for full building plan check prior to permit issuance.

Fire Prevention

The following to be met prior to construction permit issuance:

59. 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.

60. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
61. Construction plans shall be submitted and permitted prior to construction.
62. Fire Department access is required to be maintained during all phases of construction.
63. All required 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.
64. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:
- a. New buildings greater than fifty thousand (50,000) square feet.
 - b. In existing buildings greater than fifty thousand (50,000) square feet when modifications or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%)
 - c. All basements where the occupant load is greater than fifty (50), regardless of the occupancy, or sub-level parking structures over ten thousand (10,000) square feet.
65. Rear alley shall be a minimum of 24 feet per the site plan and shall meet our fire apparatus turning radius.

Parks and Recreation

66. Prior to Building Permit Issuance, the developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

Environmental Compliance

67. Prior to issuance of building permits. If Site has Restaurant and industrial Tenants, then a Wastewater Discharge Survey to be submitted to Environmental Compliance Section and approved.

Restaurants in their own building will need their own water meter.

If an interceptor or wastewater treatment system 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. Domestic waste shall not be allowed to pass through the interceptor.

68. If a sampling station is required—submit proposed installation on corrected plans.
69. 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.
70. 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.
71. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
72. If Site will have Tenants that needs a pretreatment system for its industrial wastewater, the Tenant must submit plans for approval through EC Plan Check Review.
73. Other items for correction may need to be completed after actual plans are submitted for a formal review.

Riverside Police Department

74. Installation of security cameras at perimeter entrances and within the parking garage. Installation of the video security system should also take into account expansion of the system should it be needed.

Standard Conditions

- **Planning**

75. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
76. Within 30 days of the approval of the project by the City the developer/subdivider 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 subdivision, 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/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
77. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.
78. 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 may 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.

General Information Notes

1. The Mayor or any member of the City Council may request that the final decision on this variance be reviewed by City Council. The request for the review must be within 10 days of issuance of the Zoning Administrator's final report and recommendations. The City Council may affirm, reverse or modify the final report or the conditions of approval.
2. The Zoning Administrator's decision or any conditions of approval can be appealed to the City Council. Appeals will be accepted until 5:00 p.m. on the tenth day following the Zoning Administrator's decision. To appeal this decision, submit a letter stating what is being appealed and why, the General Application form and a check for \$1531.20, made payable to the City of Riverside to cover the appeal fee. The Planning Department offers an informational packet on filing an appeal. Appeals may be delivered in person or mailed, but they must be received within the period specified above. The Planning Department's address is: City of Riverside, Planning Department, 3900 Main Street, 3rd Floor, Riverside, CA 92522. Appeals will be considered by the City Council within 30 days of the end of the appeal period.

3. Within 30 days of approval of this case by the City Council, 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.