



**PLANNING COMMISSION HEARING DATE: JUNE 29, 2017  
AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

<b>Case Numbers</b>	<b>P16-0396</b> (Design Review), <b>P16-0397</b> (Conditional Use Permit) and <b>P17-0440</b> (Variance)	
<b>Request</b>	The following entitlements are requested to permit construction of a 4,721 square foot drive-thru restaurant and reconfiguration of an existing surface parking lot within an existing commercial office and retail complex (Grand Central Plaza): 1) a Conditional Use Permit to permit a drive-thru restaurant; 2) a Design Review of project plans and building elevations; and 3) a Variance to allow fewer on-site parking spaces than required by the Zoning Code.	
<b>Applicant</b>	Ryan Robinson of 4G Development and Consulting, on behalf of Chick-fil-A, Inc.	
<b>Project Location</b>	3640 Central Avenue, on the south side of Central Avenue between De Anza and San Diego Avenues	
<b>Project area</b>	0.80 acres	
<b>Ward</b>	3	
<b>Neighborhood</b>	Magnolia Center	
<b>APN</b>	225-242-046, 225-242-047 and 225-242-048	
<b>General Plan Designation</b>	C - Commercial	
<b>Zoning Designation</b>	CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones; O-SP – Office and Specific Plan (Magnolia Avenue) Overlay Zones	
<b>Staff Planner</b>	Matthew Taylor, Assistant Planner; 951-826-5944; <a href="mailto:mtaylor@riversideca.gov">mtaylor@riversideca.gov</a>	

**RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from California Environmental Quality Act review subject to Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (Infill

Development Projects), as this project will not have a significant effect on the environment; and

2. **APPROVE** Planning Cases P16-0396 (Design Review), P16-0397 (Conditional Use Permit) and P17-0440 (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 subject 0.80-acre site is part of a larger 5.86-acre multi-tenant office and retail complex (Grand Central Plaza), constructed in several phases from 1968 to 1977. The center is comprised of three contiguous parcels developed with five buildings, ranging from one to six stories in height and totaling approximately 116,000 square feet. A 463-space surface parking lot serves the center. A recorded shared parking and access agreement allows for mutual access and parking.

The primary uses found within the site include government and professional offices, university instructional and administrative functions, medical offices and restaurant uses. Approximately 25,000 square feet of leasable space throughout the five-building center is vacant, including a 9,800-square-foot restaurant building, which Coco's Restaurant previously occupied.

Surrounding land uses include the Riverside Plaza regional shopping center to the north across Central Avenue, small commercial service and retail uses to the east and west, and single-family residential neighborhoods to the southeast, south and southwest. The center is currently served by two ingress-only driveways on Central Avenue and a single two-way driveway on San Diego Avenue.

On September 24, 2015, the Zoning Administrator approved plans for façade renovations for four of the center's five buildings under Planning Case P15-0465 (Design Review). As of the writing of this report, construction drawings for the façade renovations are under review.

## PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit the construction of a 4,721-square-foot drive-thru restaurant building on the northwest portion of the center, currently developed with the vacant Coco's Restaurant building. Design Review is also requested for the drive-thru restaurant and reconfiguration of existing on-site parking spaces and circulation. A Variance has been requested to allow for fewer parking spaces than required by Code. As matter of information, a Lot Line Adjustment request has been submitted to the Public Works Department to reconfigure an existing 1.44-acre parcel within the center.

The drive-thru restaurant includes an approximately 620-square-foot outdoor dining patio on the northern area of the site with frontage onto Central Avenue. A single drive-thru lane is proposed along the west side of the site and behind the restaurant building. It is proposed to be 247 feet in length and 12 feet in width to accommodate queuing for 13 vehicles. There is a single menu board with a voice order box located along the west side of the drive through lane. The menu board and voice order box is located approximately 12 feet from the west property line. The applicant has indicated the proposed restaurant and drive-thru lane will operate Monday through Friday from 6:30 a.m. to 10:30 p.m., Saturdays from 6:30 a.m. to 11:00 p.m., and close on Sundays. The restaurant expects to employ 15 employees during a typical shift. An employee will physically take orders from the drive-thru queue to expedite order turnaround time at peak hours. A walkway adjacent to the western side of the drive-through lane, which primarily functions as the accessible

path-of-travel to the proposed trash enclosure, will also serve to accommodate lane-side order taking.

Building elevations depict a contemporary commercial architectural design with stacked rectangular massing, flat rooflines, generous reveals and a variety of proposed finish materials. Design elements include stucco and cement plaster and Hardie plank walls in dark gray, brown and cream; steel canopies over primary entrances and outer window bays; fabric awnings over inner window bays and decorative exterior sconce lighting. The project proposes to reconfigure a portion of the center's existing parking lot, which would eliminate 30 compact and 33 standard 90-degree parking spaces and create 28 standard 60-degree angled parking spaces in the area between the existing drive aisle, along the east side of the site, and the proposed drive-thru lane. This would result in a net reduction of the center's total number of on-site parking from 463 to 428 spaces. Ingress to the site will continue to be provided from Central Avenue and egress via the two-way driveway on San Diego Avenue.

**PROJECT ANALYSIS**

<i>Authorization and Compliance Summary</i>		
	<b>Consistent</b>	<b>Inconsistent</b>
<p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of C – Commercial, which will further the intent of the General Plan by facilitating in-fill development. The project is also consistent with General Plan Policy LU-12.5, which encourages focusing new commercial development within existing nodes of commercial activity along the Magnolia Avenue/Market Street Corridor.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The CR – Commercial Retail Zone is consistent with the C – Commercial General Plan land use designation. Drive-thru restaurants are permitted in the CR Zone, subject to the granting of a Conditional Use Permit and compliance with Site Location, Operational, and Development Standards for drive-thru businesses. With the exception of a Variance for parking, the project is consistent with all development standards for drive-thru businesses and the CR Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Magnolia Avenue Specific Plan (MASP)</b></p> <p>The proposed project is consistent with Objective 1 (revitalization of Magnolia Center as a sub-regional retail and business center) and Policies 1.1 (create nodes of commercial activity around the Riverside Plaza) and 1.6 (provide convenient shared parking for employees and visitors) of the Magnolia Center Subdistrict of the MASP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p><b>Compliance with Citywide Design &amp; Sign Guidelines</b></p> <p>The building elevations, site design and conceptual landscaping, as proposed, are consistent with the applicable provisions of the Citywide Design and Sign Guidelines for new commercial development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**

<b>CR – Commercial Retail Zone Development Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Lot Area</b>	20,000 s.f.	35,061 s.f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Width</b>	60 feet	150 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Depth</b>	100 feet	312 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Floor Area Ratio</b>	0.50	0.13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>FAR (overall center)</b>	0.50	0.45	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Max. Building Height</b>	75 feet	22.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Min. Building Setbacks</b>	Front (Central Avenue) 0 feet	8.5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Sides 0 feet	14 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (adjacent to residential) 15 feet	47 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.475 Drive – Through Business Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Frontage</b>	100 Feet (Central Avenue)	150 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Central Avenue – 120-Foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Through Lane Standards</b>	Minimum Length: 180 feet	247 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Stacking: 10 vehicles	13 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.580 – Parking and Loading Design Standards</b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<i>Parking Space Width</i>	9 feet	9 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Parking Space Depth</i>	18 feet	18 feet (short side)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive Aisle Width</i>	One-way, 60-degree angle – 16 feet	17 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Shade Trees</i>	1/four spaces	1/2.8 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Walls</i>	At residential – 6-foot high solid masonry	6-foot high solid masonry	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.580 – Parking and Loading Minimum Parking Requirement</b>						
<b>Use</b>	<b>Standard</b>	<b>Gross Floor Area</b>	<b>Parking Required<sup>1</sup></b>	<b>Parking Provided</b>	<b>Consistent</b>	<b>Inconsistent</b>
<i>Restaurant</i>	1 space/100 s.f.	9,031 s.f. <sup>2</sup>	92 spaces	428 spaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Retail/Ground Floor Office</i>	1 space/250 s.f.	26,870 s.f.	102 spaces			
<i>Upper Floor Office<sup>3</sup></i>	1 space/500 s.f.	60,367 s.f.	126 spaces			
<i>Bank</i>	1 space/180 s.f.	7,190 s.f.	40 spaces			
<i>Medical Office</i>	1 space/180 s.f.	3,019 s.f.	17 spaces			
<i>University</i>	10 spaces /classroom	9 classrooms	90 spaces			
<i>Tutoring Center</i>	1 space /instructor; 1 space/10 students	-	5 spaces			
<b>Total Parking</b>			<b>472 Spaces</b>	<b>428 Spaces</b>		

<sup>1</sup> Parking requirements for individual tenant spaces which result in a fraction of a space are rounded up to the nearest whole space; thus, the sum of the required number of spaces for individual tenants may be higher than the required number of spaces based on total gross floor area of a particular use within the center.

<sup>2</sup>Includes proposed 4,721 s.f. drive-through restaurant; excludes the existing 9,800 s.f. building proposed for demolition.

<sup>3</sup>Existing non-conforming parking ratio for offices above the first floor.

## VARIANCE

### *Parking*

The center will be served by 428 on-site parking spaces. The three contiguous parcels comprising the center are governed by Conditions, Covenants and Restrictions (CC&Rs) containing provisions for reciprocal parking and access for all parcels. The proposed mix of uses in the center, including the proposed drive-thru restaurant, yields a minimum parking requirement of 472 spaces. The applicant has therefore requested a Variance to reduce the required number of on-site parking spaces from 472 to 428.

In order to justify the reduced number of parking spaces, the applicant has conducted a Parking Study documenting the parking demand at the center during typical weekday business hours. The study indicates that peak parking demand occurs between 2:00 and 3:00 p.m., when 54% (or 249) on-site parking spaces are occupied. This coincides with the start of weeknight classes at the University of Redlands satellite campus, which begin at 3:00 p.m. and last until 10:00 p.m. The study further indicates a steady decrease in occupied spaces through the remainder of the business day, with space utilization reaching 15% (68 spaces) by 8:00 p.m. The average daily parking utilization rate as shown by the parking study is 41%, or 190 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 based on the analysis presented in the Parking Study. Staff concurs with the Study's conclusion that, based on the current utilization rate and the operational characteristics of the existing uses, an adequate supply of on-site parking will continue to exist despite a deficit of 44 parking spaces per Code requirements. Staff is able to make the required findings to support the Variance request, which are attached to this report.

## **DESIGN REVIEW**

### ***Site Design***

Staff commends the applicant for demonstrating flexibility and ingenuity in cooperating to devise a design that accounts for the considerable constraints presented by the project site. The proposed site design demonstrates consistency with the Magnolia Avenue Specific Plan by presenting an active, pedestrian-friendly edge along Central Avenue, one of the City's primary commercial corridors, and by locating auto-oriented uses away from the Magnolia Avenue Corridor. In addition, the applicant has worked with Staff to maximize the landscape buffer provided between the drive-thru lane and the adjacent single-family residential properties, to approximately 14 feet in width, reducing the potential for vehicle and menu board noise to affect adjacent residences. Staff supports the overall site design as it represents an efficient use of a constrained site; creates an active commercial edge on Central Avenue; and minimizes disruption to surrounding uses.

### ***Vehicular Access and Circulation***

As previously discussed, the existing on-site circulation pattern will be preserved, by which vehicles enter the site via two ingress-only driveways on Central Avenue and exit the site via a single two-way driveway on San Diego Avenue. This arrangement creates efficiencies by eliminating the potential for left-turn egress onto Central Avenue, a major arterial, and instead focuses outbound trips onto San Diego Avenue and its signalized intersection with Central Avenue. To further reduce the potential for wrong-way egress onto Central Avenue, the primary vehicular entry to the site will remain one-way ingress-only and will be reduced in width from approximately 33 feet to 19.5 feet. Finally, the proposed drive-thru queuing lane and reconfigured one-way parking drive aisle will merge into a single, one-way, right-turn-only exit lane, enabling vehicles to rejoin the existing flow of traffic in the center. Staff supports the proposed circulation plan as it preserves existing traffic patterns and minimizes the potential for conflicts at the existing project driveways on Central Avenue.

### ***Conceptual Landscaping***

Staff supports the conceptual landscape plan, which depicts substantial landscape treatment surrounding the proposed restaurant building including shrub hedges and clusters, ground cover,

accent plantings, ornamental and shade trees. While the required screening of the drive-thru queuing lane and pick-up window from the public right-of-way are achieved through building orientation, the landscape plan also provides appropriate landscape buffering between drive aisles, the drive-thru lane and parking spaces within the site interior.

The applicant has also proposed an enhanced landscape buffer along the western property line, adjacent to the drive-thru queuing lane, to screen and soften the transition between the proposed project and single-family residential uses to the west of the project site. In addition to the required 6-foot solid masonry wall, planting plans indicate five-gallon purple hopseed bush plantings, spaced two feet on center, along the length of the drive-thru lane where adjacent to single-family residences. Staff is recommending a condition of approval requiring the hopseed bush plantings to be increased to a minimum container size of 15 gallons to provide sufficient visual and noise screening for adjacent residential uses.

## **NEIGHBORHOOD COMPATIBILITY**

The proposed drive-thru restaurant is compatible with surrounding commercial development along Central Avenue and throughout the Magnolia Center neighborhood. The proposed building architecture is consistent with the approved façade renovation design of the remaining buildings within the center as well as the Riverside Plaza regional shopping center to the north.

Staff recognizes that, despite the constrained nature of the site, the proposed project has been designed to maximize compatibility with the surrounding residential neighborhood by incorporating a 14-foot landscaped buffer area adjacent to the existing solid masonry wall between the drive-thru lane and the neighboring residential properties. Further, the proposed parking lot reconfiguration will preserve existing internal circulation patterns while reducing the potential for conflicts arising from wrong-way egress to Central Avenue. Finally, the proposed project is consistent with the goals and policies of the General Plan 2025 and Magnolia Avenue Specific Plan pertaining to infill development in the Magnolia Center Neighborhood and the continued revitalization of the commercial district surrounding the Riverside Plaza shopping center. Staff is therefore supportive of the proposed project.

## **ENVIRONMENTAL DETERMINATION**

Planning Division Staff have determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15303 and 15332 of the CEQA Guidelines, as the project constitutes the new construction or conversion of small structures and an infill development project.

The project is consistent with the criteria set forth in Section 15303(c) for commercial structures in urbanized areas not exceeding 10,000 square feet in floor area, on sites zoned for such use, not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available and in an area that is not environmentally sensitive.

The project is further consistent with the criteria set forth in Section 15332(a)-(e) as follows:

- a. The project is consistent with the applicable General Plan Designation of C – Commercial and all applicable General Plan policies as well as with the applicable zoning designation of CR – Commercial Retail, including provisions of the Zoning Code authorizing the granting of Variances for deviations from development standards such as minimum parking requirements;



- b. The project occurs within the City Limits on a project site of no more than five acres substantially surrounded by urban uses (the area of work for the proposed project being approximately 0.80 acres);
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, as evidenced by the attached Traffic Impact Analysis, Noise Impact Analysis, CalEEMod Air Quality Simulation and Water Quality Management Plan exhibits; and
- e. The site can be adequately served by all required utilities and public services.

Staff have therefore determined that the proposed project requires no further environmental review, and that it will not have a significant effect on the environment.

## **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, Staff have received no responses.

In an effort to further ensure compatibility with the surrounding neighborhood and in the interest of being a good neighbor, the Applicant has sent an introductory letter to residents and property owners of the surrounding neighborhood. As of the writing of this report, the applicant has reported no responses.

## **APPEAL INFORMATION**

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

## **EXHIBITS LIST**

1. Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Specific Plan/Zoning Map
6. Project Plans (Project Site Plan, Overall Site Plan, Floor Plan, Building Elevations, Renderings and Conceptual Landscape Plan)
7. Existing Site Photos
8. Project Description
9. Applicant-Provided Variance Justifications
10. Parking Study (excerpted from the Traffic Impact Analysis)

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Prepared by: Matthew Taylor, Assistant Planner  
Reviewed by: Ted White, City Planner  
Approved by: Rafael Guzman, Community and Economic Development Director





EXHIBIT 1 – FINDINGS

**PLANNING CASES:** P16-0396 (Design Review), P16-0397 (Conditional Use Permit) and P17-0440 (Variance)

**Conditional Use Permit Findings pursuant to Chapter 19.760.040:**

- The proposed fast food 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;
- The proposed fast food 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; and
- The proposed fast food 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.

**Drive-Thru Business Findings pursuant to Chapter 19.475.050**

- The proposed development will not substantially increase vehicular traffic on streets in a residential zone;
- The proposed development will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
- The proposed development will not create increased traffic hazards to pedestrians;
- The proposed project site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements; and
- The proposed development will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.

**Variance Findings pursuant to Chapter 19.720.040**

- *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.*

The proposal **complies** with this finding. Strict application of the required parking ratios specified in Table 19.580.060 of the Zoning Code would necessitate the provision of 472 parking spaces for the center, 44 beyond what the project proposes. This would require the acquisition of adjacent property currently developed with single-family residences for the construction of new parking areas; the permanent abandonment of approximately 11,000 square feet of leasable floor area that is currently vacant; or a significant reduction of the proposed drive-through queuing lane, below the minimum 180 feet required by the Zoning Code. Each of these scenarios presents a practical difficulty or unnecessary hardship

inconsistent with the purpose of the Zoning Code, either by requiring the encroachment of commercial parking lots into an established single-family residential neighborhood; necessitating the permanent underutilization of existing commercial space within the center; or shortening the drive-thru queuing lane below the minimum stacking distance required by the Zoning Code to ensure the safe and orderly functioning of drive-thru restaurants.

- *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.*

The proposal **complies** with this finding. The project site is contained within an existing, fully-developed commercial center comprising approximately 115,000 square feet of leasable space, occupied by a variety of commercial and institutional uses with distinct operating characteristics. As summarized in the Parking Study, prepared for this project, observational data collected at the site demonstrate that the center's existing peak parking demand is 249 spaces, or 54% of the 463 spaces available on-site before implementation of the proposed project. This is due primarily to the unique mixture of uses on the site, which include a satellite university campus offering evening classes, quick-service and sit-down restaurants, a bank, a tutoring center, and various professional and governmental offices, each having distinct operational characteristics and peak hours. The Parking Study further demonstrates that, although the project involves the elimination of 35 parking spaces, ample shared parking facilities would continue to exist on the site after implementation of the proposed project. This circumstance is unique to the project site, a large multi-tenant mixed-use commercial complex, compared to nearby properties in the CR – Commercial Retail Zone, which are typically far smaller with little or no on-site parking and fewer internal operational synergies.

- *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.*

The proposal **complies** with this finding. The results of the Parking Study prepared for this project concluded that the existing center experiences a peak parking demand of 249 spaces, or 54% percent of those available. In other words, just under half of the center's available parking supply sits unused during peak demand times. Implementation of the proposed project would result in a reduction of 35 on-site parking spaces, resulting in a total of 428. Assuming the project exerts the maximum parking demand required by the Zoning Code (48 spaces), peak parking demand for the entire center would become 297 spaces, or 69% of the 428 available. Thus, granting of a variance to reduce the center's required on-site parking from 472 to 428 spaces would not affect the adequacy of the existing parking supply and would in fact leave a comfortable surplus of 131 spaces, thereby ensuring that no spillover, circling or other detrimental effects deriving from a parking shortage will occur in the adjacent neighborhood.

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

The proposal complies with this finding. The proposed project is consistent with General Plan Policy CCM-13.2, which encourages the shared use of parking facilities between land uses based on peak parking demands and other factors to achieve efficient use of available parking.



**EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL**

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**Case Numbers:**      **P16-0396** (Design Review)  
                                 **P16-0397** (Conditional Use Permit)  
                                 **P17-0440** (Variance)

**CONDITIONS**

**Case Specific**

•      **Planning**

1.      The drive-through restaurant shall be developed and operated substantially as described in the text of this report and as shown on the exhibits on file with this case, except for any specific modifications that may be required by these conditions of approval.
2.      The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
3.      Future tenant improvement plans submitted to the Building and Safety Division for plan check shall include a parking analysis for the entire center, broken down by type of use, square footage and required parking ratio of each tenancy, demonstrating the total parking requirement for the center does not exceed 472 spaces.
4.      Advisory: Any modification to the mix of existing and future uses analyzed herein that results in an overall parking requirement for the center in excess of 472 parking spaces per the Zoning Code shall require consideration of a variance. Additional justification shall be provided and approval of a further reduction in required parking is not guaranteed.
5.      Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Issuance of Grading Permit:*

6.      A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
  - a.      Compliance with City adopted interim erosion control measures;
  - b.      Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and

- c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.
7. Grading plans submitted for plan check shall depict the relocation of the proposed subterranean wastewater interceptor to a location outside of the required right-of-way dedication.

*During Grading and Construction Activities:*

8. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
9. 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.
10. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
11. 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.
12. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. the generation of dust shall be controlled as required by the AQMD;
  - b. trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
  - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Wash off trucks and other equipment leaving the site;
  - f. Keep disturbed/loose soil moist at all times;
  - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
  - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
13. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

*Prior to Building Permit Issuance:*

14. Landscaping and Irrigation plans shall be submitted for Planning Staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
15. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
16. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle 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, or 14 feet in overall height within 50 feet of any residentially zoned property.
17. Roof equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
18. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
19. **Staff Required Building Elevation Conditions:** Plans submitted for Building Plan Check shall include the following:
  - a. Clearly specify all materials and colors of exterior finishes on the building elevations.
20. **Staff Required Landscape Conditions:** Plans submitted for Landscape and Irrigation Design Review shall specify the following:
  - a. Minimum 15-gallon *Dodonea viscosa* 'purpurea' (purple hopseed bush) plantings along the west boundary wall adjacent to the drive-through lane, spaced to achieve full coverage within 12 months of installation.
21. **Trash Enclosure Conditions:** Submit trash enclosure elevations such that the plan provided for building permit plan check incorporates the following changes:
  - a. Trash enclosures shall be constructed with a decorative masonry block and decorative cap or be finished in stucco and painted to match on-site restaurant building.

*Prior to Release of Utilities and/or Occupancy:*

22. Revised Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared and submitted for the approval of the Planning Division and City Attorney's Office. The revised CC&Rs shall be updated as necessary to reflect the new configuration of the site and shall contain provisions providing for mutual reciprocal access and parking throughout all parcels contained in the complex. Evidence of recordation of the document shall be provided prior to release of final 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. Contact the case planner to schedule the final inspection at least one week prior to needing the release of utilities.

*Site Operation Standards:*

24. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.

*Standard Conditions:*

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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. Revisions to the approved design plans may require an additional application and filing fee.

31. 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.
32. Failure to abide by all conditions of this permit shall be cause for revocation.
33. 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.

- **Environmental Compliance**

34. Wastewater Discharge Survey to be submitted to Environmental Compliance Section for approval.

If an interceptor is determined to be installed or replaced, this requirement must be met prior to opening the business or by the date determined by the Environmental Compliance Section.

- **Fire Department**

35. 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.

36. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
37. Construction plans shall be submitted and permitted prior to construction.
38. Fire Department access shall be maintained during all phases of construction.
39. Fire access through the site shall comply with our fire department access turning radius.

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



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

• **Public Works – Engineering/Land Development**

41. No new driveways permitted. Existing driveway along Central Avenue to be restricted to ingress only.

42. Comply with signage detailed by the applicant's Traffic Engineer within the traffic impact analysis (Figure 3 of the report):

a. Install an R5-1 & R5-1a sign assembly on both sides of the project's driveway along Central Avenue. The signs shall face away from Central Avenue, and towards the project site. Project shall provide 100% participation.

b. Developer shall install an R1-5 & R3-5R sign assembly facing traffic exiting the drive-thru, ahead of the striped pedestrian crossing. Project shall provide 100% participation.

43. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.

44. Deed for widening Central Avenue to 60' from monument centerline concurrent with map recordation.

45. Cash in lieu for installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching paving on Central Avenue to Public Works specifications.

46. 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.

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

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

- b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
48. 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.
49. 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.
50. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
- a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
  - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

**Public Works – Street Trees**

51. On Central Avenue, PLANT 24" box size trees, species shall be *Koelreuteria paniculata*, typical spacing is 35 feet; final spacing will be determined by the Tree Inspector at time of spotting. Developer will be responsible for all expenses.

Quantity and final spotting will be determined after site inspection after fine grading and hardscape installation has been completed.

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

**Public Utilities – Water**

53. Prior to Water Service Activation, the Applicant shall upgrade the existing vaulted fire service to current RPU Water Standards and Specifications.
54. Prior to Water Service Activation, the Applicant shall install a dedicated landscape water service and meter.

**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. Blanket Public Utility Easement required on all parcels.
57. 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.
58. 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.
59. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
60. Plot existing electrical distribution facilities on the original site plan.