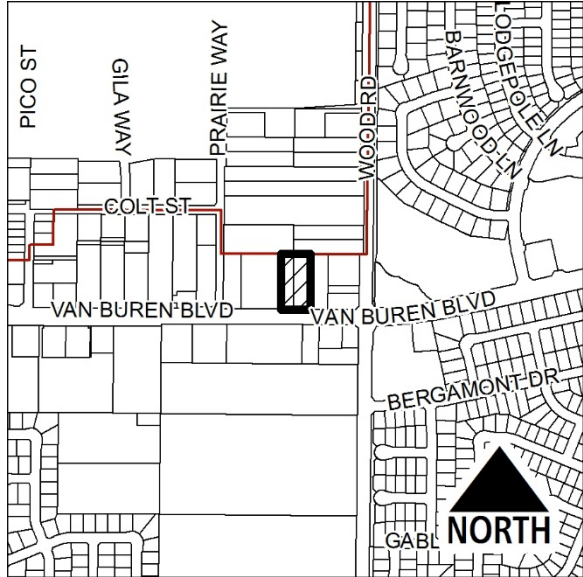




**PLANNING COMMISSION HEARING DATE: JUNE 29, 2017
AGENDA ITEM NO.: 2**

PROPOSED PROJECT

| | | |
|---------------------------------|---|---|
| <i>Case Numbers</i> | P16-0671 (Design Review), P16-0672 (Parcel Map), P16-0673 (Variance), and P17-0430 (Grading Exception) | |
| <i>Request</i> | The following entitlements are requested to permit construction of a 24,043 square foot, two-story medical office building: 1) a Parcel Map (PM-37218) to subdivide 1.62 acres into one parcel for condominium purposes; 2) a Design Review of project plans and building elevations; 3) a Variance to allow a building height greater than permitted; and 4) a Grading Exception to allow a retaining wall over six-feet in height on the northeast side of the site not readily visible to the public right-of-way. | |
| <i>Applicant</i> | Shakil Patel on behalf of Shakil Patel and Associates | |
| <i>Project Location</i> | 18876 and 18890 Van Buren Boulevard |  |
| <i>Project area</i> | 1.62 acres | |
| <i>Ward</i> | 4 | |
| <i>Neighborhood</i> | Orangecrest | |
| <i>APN</i> | 280-270-011 and 280-270-012 | |
| <i>Specific Plan</i> | Orangecrest Specific Plan | |
| <i>General Plan Designation</i> | C - Commercial | |
| <i>Zoning Designation</i> | CR-S-2-X-15/50-SP - Commercial Retail-Two Story Building Height-Building Setback (15 feet from Van Buren Boulevard and 50 feet from residentially zoned property), and Specific Plan (Orangecrest) Overlay Zones | |
| <i>Staff Planner</i> | Sean P. Kelleher, Associate Planner; 951-826-5712; skelleher@riversideca.gov | |

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from California Environmental Quality Act review subject to Section 15332 (In-fill Development Projects), as this project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P16-0731 (Parcel Map), P16-0732 (Design Review), P16-0673 (Variance), and P17-0430 (Grading Exception) based on the staff report and subject to the recommended conditions.

SITE BACKGROUND

The subject 1.62-acre site consists of two contiguous parcels, which are currently vacant. Surrounding land uses include: single family residential to the north, commercial development to the south across Van Buren Boulevard, a drive-thru restaurant to the east, and vacant land to the west that was approved in October 2015 for the construction of an 11,738 square foot vehicle repair facility (Les Schwab Tire Center) and a 2,200 square foot drive-thru restaurant (Dunkin Donuts).

The project site features unique terrain with the southern 1/3 of the property 31 feet higher than the northerly 2/3 of the property. In addition a manufactured 2:1 slope was graded along the east portion of the property in conjunction with a building pad for development of the existing drive-thru restaurant (Baker's) on the parcel to the east.

PROPOSAL

The applicant is requesting approval of a Parcel map to subdivide 1.62 acres into one parcel for condominium purposes (for "airspace" ownership of 16 office suites, one on-site common area, and three parcels for common areas inside the building) to facilitate the development of 24,043 square foot, two-story medical office building, intended to be used by small medical and dental practices. In conjunction with this proposal the applicant is also requesting approval of a Design Review approval of project plans, a Variance to allow a building height of 33 feet, where the Orangecrest Specific Plan requires a maximum building height of 30 feet, and Grading Exceptions to allow for retaining wall heights higher than six feet not visible from the public right-of-way.

The proposed medical office building is centrally located on the site. The condominium map would facilitate "airspace" ownership of each office suite and ownership for the common areas inside and outside the medical office building. The "airspace" dedicated for common area outside the building is approximately 67,280 square feet and consists of parking and landscape improvements. The "airspace" dedicated for common areas inside the building, total approximately 5,019 square feet and consist of a lobby, restrooms, elevator, stairways, hallways, and utility room on the lower, main and upper levels of the building. A total of 134 parking spaces are provided to serve the site. A total of 27 parking spaces are provided at the main level of the building. A total of 107 parking spaces provided on the lower level, 31 of which a tucked under the main level of the building. The lower level parking is accessed by two ramps located on the east and west sides of the building. Access to the site will be provided from a single 26-foot wide driveway on Van Buren Boulevard.

Building elevations reflect a contemporary architectural style with stacked rectangular massing, flat rooflines, cornices and a semi-circular main entrance that projects outward from the building. Design elements include anodized aluminum canopies, stone veneer and stucco. The majority of the building will be constructed atop columns to accommodate the unique terrain of the site.

Retaining walls are proposed along the north, west, and east property lines where heights will vary from 3 to 10-feet. The retaining walls consist of precision masonry block and will not be visible from the public right-of-way.

The Conceptual Landscape Plan has been designed with a mix of low and medium water use trees, shrubs, ground covers, and vines. Landscaping is provided throughout the parking lot and along the perimeter of the site.

PROJECT ANALYSIS

| <i>Authorization and Compliance Summary</i> | | |
|---|-------------------------------------|--------------------------|
| | Consistent | Inconsistent |
| <p><i>General Plan 2025</i></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of C-Commercial. The project will further the intent of the General Plan Objective LU-75 which encourages continued growth of the Orangecrest neighborhood in a manner consistent with the Orangecrest Specific Plan.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Specific Plan</i></p> <p>The project site is located within the Orangecrest Specific Plan - Planning Area 10a. With the exception of a variance for building height, the project is consistent with the development criteria of Planning Area 10a of the Orangecrest Specific Plan.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The CR - Commercial Retail Zone is consistent with the C - Commercial General Plan land use designation. The Orangecrest Specific Plan indicates that uses permitted in Planning Area 10a shall conform to the provisions of the Zoning Code. Medical office buildings are a permitted use in the CR – Commercial Retail Zone. With the exception of a variance for building height, the project is consistent with development standards of the CR Zone.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Grading Code Consistency (Title 17)</i></p> <p>With the exception of a Grading Exception for a retaining wall higher than six feet in height not visible from the public right-of-way, the project is consistent with the Grading Code.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The buildings 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"/> |
| <p><i>Compliance with March Air Reserve Base / Inland Port Land Use Compatibility Plan</i></p> <p>The proposed project is located within March Air Reserve Base / Inland Port Land Use Compatibility Plan Zone D. On November 14, 2016 the Riverside County Airport Land Use Committee determined that the proposed project is consistent with the March Air Reserve Base / Inland Port Land Use Compatibility Plan pursuant to Airport Land Use Commission conditions of approval (ZAP1227MA16).</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| <i>Orangecrest Specific Plan Development Standards</i> | | | | |
|--|---|------------|-------------------------------------|-------------------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Lot Size</i> | 2.0 acres | 1.62 acres | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Lot Frontage</i> | 200 feet | 197 feet | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Maximum Lot Coverage</i> | No Applicable Standard | 18.4% | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Maximum Building Height</i> | 30 feet | 33 feet | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Maximum Number of Building Stories</i> | 2 stories | 2 stories | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Min. Building Setbacks:</i> | Front (Van Buren Boulevard) 15 feet | 79 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Rear (Adjacent to residential) 50 feet | 123 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| <i>CR-Commercial Retail Zone-Building Stories Overlay Zone-Building Setback Overlay Zone Development Standards</i> | | | | |
|--|--|----------------------------------|-------------------------------------|-------------------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Building Setback Overlay Zone:</i> | Front (Van Buren Boulevard) 15 feet | 79 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Rear Yard Setback (Adjacent to Residential Zone) 50 feet | 123 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Minimum Building Setback</i> | Side (East and West) 0 feet | 62 feet (East) 53 feet (West) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Building Stories Overlay Zone</i> | Building Height 30 feet | 33 feet | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Building Stories 2 stories | 2 stories | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Min. Parking</i> | 1 Space / 180 Square Feet of Floor Area 24,043 Square Feet - 134 spaces | 135 spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Landscape Setback</i> | 15 feet | 16-feet 1-inch | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| <i>Section 17.28.010(C) – Retaining Walls</i> | | | | |
|--|---|--|--------------------------|-------------------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Retaining Walls (Maximum Height)</i> | 6 feet - not visible from the public right-of-way | 6-10 feet (Portion of Northeast Retaining Wall) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

LOT SIZE AND WIDTH

The proposed project does not propose to create new parcels. It proposes to consolidate two legal nonconforming lots into a single parcel closer to compliance with the development standards of the Specific Plan. Compliance with these standards is not achievable due to the existing right-of-way and existing and entitled development surrounding the project site. The project has been designed to be consistent in scale and compatibility with the site and surrounding development. Therefore, a variance for lot size and width is not needed.

VARIANCE

The overall height of proposed medical office building is 33 feet. The applicant has requested a variance to allow the 33 foot high medical office building, where the Orangecrest Specific Plan requires a maximum building height of 30 feet. The applicant has prepared justification findings in support of the requested variance. In addition, staff has prepared supplemental justification findings in support of the variance. Staff concurs with the justifications due to the sites unique terrain and the 31 foot grade change from the south property line to the north property line. The challenges with terrain, require a portion of the building be constructed to rest atop columns which are included in the overall height of the building. Strict application of the Zoning Code would either require a substantial change to the grading of the site and increasing retaining wall heights along the north property line, adjacent to single family zone property or would result in the loss of the second floor of the structure, rendering development of the site impractical.

GRADING EXCEPTION

The applicant has requested a grading exception to allow for a portion of the northeast retaining wall height to be higher than six feet that are not visible from the public right-of-way. The applicant has prepared justification findings in support of the requested variance. In addition, staff has prepared supplemental justification findings in support of the variance. Staff concurs with the justifications due to the sites unique terrain and the 31 foot grade change from the south property line to the north property line. Additionally, an existing 2:1 manufactured slope encroaches onto the east side of the applicant's property. The manufactured slope was graded to support the existing drive-thru lane for a fast food restaurant to the east of the site. Revising the site plan to avoid the slope would have an overall effect on the required number of parking spaces and drive-aisle configuration for the project, thus restricting building size and onsite circulation.

PARCEL MAP

The proposed Parcel Map involves subdividing two contiguous parcels for condominium purposes. The condominium map would facilitate “airspace” ownership of each office suite and common ownership for the common open spaces within the project, including the surface parking lot and tuck-under parking. Staff supports the Parcel Map as proposed. To ensure mutual access, shared parking and site maintenance are provided, Covenants, Conditions and Restrictions (CC&R’s) including the formation of a Master Property Association shall be recorded to the satisfaction of the Planning Division and City Attorney’s Office in conjunction with the recordation of the Final Map.

DESIGN REVIEW

Building Elevations

The proposed contemporary commercial building is consistent with existing commercial buildings located within proximity to the subject site and the Citywide Design Guidelines. The primary focal features of the building are two circular anodized aluminum canopies projecting from the first and second floors and stone veneer provided along the front and wrapping a portion of the east and west side of the first floor of the building. The remainder of the main level of the building and second floor will be stucco coated painted a beige color. Decorative cornices are proposed at the mid-point and along the roof line of the building that align with the canopies on the front of the building. The cornices and window trim will be painted brown. The proposed windows will have blue reflective glazing. The basement level walls are proposed to be precision CMU Block. A condition of approval has been added requiring the use of a decorative spit face block, similar in color to the proposed building, consistent with the Citywide Design Guidelines.

The placement of the building on the project site has taken into consideration the adjacent single family residential zone located north of the site. This has been done by providing a 123-foot building setback, where a 50-foot setback is required and stepping back the second story of the building from the single family residential zone.

The Applicant has requested a variance for the maximum Building Height. Due to the unique terrain of the site a portion of the building will be constructed atop columns. The height of the columns results in a maximum building height of 33-feet, 3-feet higher than is permitted in Planning Area 10a of the Orangecrest Specific Plan. Justifications in support of the request, provided by the applicant and supplemented by staff, are provided in this staff report.

Fence/Walls

Staff supports the wall plan, which depicts retaining walls along the north, west and east side of the property. Due to the terrain of the site, the applicant has proposed retaining walls along the west and east sides of the property ranging in height from 3 to 10 feet to provide adequate space to construct the required number of on-site parking spaces. A 6 foot high retaining wall is proposed as part of the Water Quality Management Retention Basin approximately 2 feet from the north property line. Staff is recommending a condition of approval specifying the 6-foot high retaining wall to be constructed along the north property line. Placing the wall on the property line eliminates an area that could attract vagrants, trash and eliminates the need to maintain an area that would be difficult to access.

NEIGHBORHOOD COMPATIBILITY

The project site is located in Planning Area 10a of the Orangecrest Specific Plan. This area includes a wide variety of uses, including retail, office, vehicle sales and repair, and drive-thru restaurants. The proposed medical office building has been designed to be compatible with surrounding residences to the north by orienting the medical office building toward Van Buren Boulevard. As well, the design is compatible with surrounding commercial development in the surrounding area and in compliance with the City's Citywide Design and Sign Guidelines.

ENVIRONMENTAL REVIEW

Planning Division Staff have determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15332 of the CEQA Guidelines, as the project constitutes an infill development project.

The project is 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-S-2-X-15/50-SP - Commercial Retail-Two Story Building Height-Building Setback (15 feet from Van Buren Boulevard and 50 feet from residentially zoned property), and Specific Plan (Orangecrest) Overlay Zones, including provisions of the Zoning Code authorizing the granting of Variances for deviations from development standards such as maximum building height requirements and Grading Exceptions for maximum wall height 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 1.62 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; and
- e. The site can be adequately served by all required utilities and public services.

Staff has 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, no responses have been received by staff.

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 (Site Plan, Floor Plans, Building Elevations, Renderings, Tentative Parcel Map, Preliminary Grading Plan, Conceptual Landscape Plan, and Photometric Study)
7. Existing Site Photos
8. Applicant Provided Variance Justification
9. Applicant Provided Grading Exception Justification

Prepared by: Sean P. Kelleher, Associate Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community and Economic Development Director



EXHIBIT 1 – FINDINGS

Case Numbers: P16-0673 (Variance)
P17-0430 (Grading Exception)

Variance Findings pursuant to Section 19.720.040:

Requested Variance: To allow a building height greater than permitted by the Orangecrest Specific Plan and Zoning Code.

- a. *The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.*

The proposal complies with this finding. Strict application of the Orangecrest Specific Plan and Building Stories Overlay Zone of the Zoning Code establishes a maximum building height of 30 feet. As identified in Section 19.200.030 Building Height Limits the "overall building height [is] measured between the average level of the highest and lowest elevations of the land covered by the structure and the highest point of the roof or parapet wall covering the structure."

The grading for the site has been designed to preserve the natural slope of the site rather than importing a large quantity of dirt to establish a building pad that is level with Van Buren Boulevard. There is a 31 foot grade change between the south property line and the north property line. Due to the grade change a portion of the building has been placed atop columns. Application of the building measurements standard outlined in Section 19.200.030, requires the addition of 6 feet to the total building height. Compliance with the 30 foot maximum building height requirement would be impractical as it 1) would require importing a large amount of dirt and the construction of a combination of large slopes and retaining walls along the rear property line to establish a building pad that is level with Van Buren Boulevard or 2) would require the removal of the second story of the building. Therefore, strict application of the 30 foot maximum building height requirement would result in practical difficulties or unnecessary hardships in the development of this property.

- b. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

The proposal complies with this finding. The site is unique to the area in that the existing natural slope on the site is greater than the adjacent undeveloped parcels. There is a 31 foot grade change between the south property line and the north property line. In order to prevent the need for the importing of large amounts of fill dirt to establish a building pad that is level with Van Buren Boulevard, the project site has been designed to preserve the natural grade of the site. In order to preserve the natural grade, a portion of the building has been placed atop support columns which factor into the overall into the calculation of the building height. If the natural terrain was flat and at the same elevation as Van Buren Boulevard, the height of the building would not exceed the maximum building height. Therefore, there are existing site

conditions which limit the development of this property that do not apply generally to other property in the same zone or neighborhood.

- c. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The proposal complies with this finding. The project has been designed to operate in a manner that will not be detrimental to surrounding land uses. The proposed building when viewed from Van Buren Boulevard appears to be a traditional two story medical office building. The project has been designed to be sensitive to the existing single family residences north of the site by implementing the following site and building design features: 1) a 123 foot setback, is provided where a 50 foot minimum setback is required; 2) the second story of the building is stepped back from the residential property; and 3) a 21 foot wide landscape planter is proposed along the rear property line with 2 rows of trees to reduce the visibility of the medical office building from the residence. The property to the east is developed with a fast food restaurant and the property to the west is currently vacant. Views of the project site from the adjacent development will be obscured by proposed trees. Therefore, this project is compatible with the surrounding uses.

- d. *The granting of this request will not be contrary to the objectives of the General Plan.*

The proposal complies with this finding. Based on the scope of the requested variance, the granting of this request will not be contrary to the objectives of the General Plan 2025.

Grading Exception Findings Pursuant to Section 17.32.020

Requested Grading Exception: To permit a retaining wall higher than six feet in height not visible from the public right-of-way.

- a. *That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent Title 17.*

The proposal complies with this finding. The 1.62 acre parcel is bounded by a single family residence to the north, Van Buren Boulevard and commercial development to the south, and a drive-thru restaurant to the east, and an undeveloped parcel to the west. A 31 foot grade change exists between the south property line and the north property line. Along the east property line is an existing 2:1 manufactured slope that established a flat pad on the adjacent property. Reducing the height of the proposed retaining wall to a maximum of 6 feet pursuant to the standards of the Grading Code would require a reduction in the number of parking spaces provided adjacent to the existing commercial development. Changes to the site design to meet the retaining wall development standards would encumber a significant portion of the site, further restricting building size, location and onsite circulation; potentially requiring additional variances from development standards. Therefore, the strict application of the Grading Code limitations on retaining wall height would constitute a practical difficulty and an unnecessary hardship.

- b. *That there are exceptional 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 same zone or neighborhood.*

The proposal complies with this finding. The site is unique to the area in that the existing natural slope on the site is greater than the adjacent undeveloped parcels. There is a 31 foot grade change between the south property line and the north property line. Along the east property line is an existing 2:1 manufactured slope that established a flat pad on the adjacent property. The manufactured slope projects approximately 25 feet into the site preventing it from being utilized for building or parking purposes without the construction of a retaining wall as proposed. Therefore, there are existing site conditions which limit the development of this property that do not apply generally to other property in the same zone or neighborhood.

- c. *That the granting of a waiver 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 approval of the requested grading exception will allow the property to be developed in a manner consistent with the surrounding development. The limits and heights of the proposed retaining wall has been reduced to the maximum extent possible. The project has also been conditioned the retaining wall to be constructed of decorative block with a decorative cap. The project is designed with landscape plantings, including vines, along the proposed retaining wall to further reduce potential visual impact. Finally, the proposed grading design will not result in the obstruction of views from adjacent properties and will not result in adverse effects to surface drainage in the area.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P16-0671** (Design Review)
 P16-0672 (Tentative Parcel Map)
 P16-0673 (Variance)
 P17-0430 (Grading Exception)

CONDITIONS

Case Specific

Planning

1. The applicant is advised that the business or use for which this parcel map, design review, variance, and grading exception 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.
2. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
3. The applicant shall comply with conditions of approval of the County of Riverside Airport Land Use Commission Development Review Number ZAP1227MA16.
4. A Master Property Association (MPA) shall be established for the project site including the airspace condominium units to the approval of the Planning Division and the City Attorney, for the purpose of establishing maintenance and use standards for the project.
5. The applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) subject to approval of the Planning Division and City Attorney's Office. The CC&Rs shall contain the following conditions and restrictions:
 - a. The MPA shall be responsible for the maintenance of all landscaped areas, manufactured slopes, parking areas, and retaining walls.

Prior to Issuance of Grading Permit:

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

During Grading and Construction Activities:

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

Prior to Building Permit Issuance:

13. **Site Plan:** Revise the submitted Site Plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. The 6 foot high retaining wall, proposed approximately 2 feet from the north property line, shall be constructed on the north property line.

14. **Building Elevations:** Revise the submitted Building Elevations such that the plan provided for building permit plan check incorporates the following changes:
 - a. The proposed CMU block shall consist of a decorative split face block similar in color to the primary color of the building.
15. **Conceptual Grading Plan:** Revise the submitted Conceptual Grading Plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. The proposed retaining walls and trash enclosure shall be constructed of the same split face block as specified for the proposed building and shall include a decorative cap.
 - b. The 6 foot high retaining wall, proposed approximately 2 feet from the north property line, shall be constructed on the north property line.
16. 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.
17. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Freestanding light standards within 50 feet of residentially zoned property shall be no more than 14 feet in height.
18. 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.
19. Ground mounted equipment shall be fully screened from the public right-of-way.

Prior to Release of Utilities and/or Occupancy:

20. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the Water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact Sean P. Kelleher, Associate Planner, at (951) 826-5712 or skelleher@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

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

Standard Conditions:

22. There shall be a 36-month time limit in which to commence construction of the project beginning the day following approval by the Planning Commission.
23. 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.
24. 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.
25. The Project must be completed per the Parcel Map, Design Review, Variance, and Grading Exception approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Staff. Upon completion of the Project, a Staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
26. The applicant herein of the business subject to this design review 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.
27. Failure to abide by all conditions of this permit shall be cause for revocation.
28. 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

29. A Wastewater Discharge Survey will need to be filled out for the building to see if there are any dental or x-ray facilities. Plumbing plans will need submitting to Environmental Compliance.
30. Other items for correction may need to be completed after actual plans are submitted for a formal review.

Fire Department

31. 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.

32. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
33. Construction plans shall be submitted and permitted prior to construction.
34. Fire Department access shall be maintained during all phases of construction.
35. Buildings greater than 150 feet from the fire access roadway shall meet the fire access turning radius requirements.

Parks, Recreation & Community Services – Park Planning

36. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

Public Works

37. Deed for widening Van Buren Boulevard to 60 feet from monument centerline to Public Works specifications.
38. Installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching paving on Van Buren Boulevard to Public Works specifications. Alternatively, cash payment for the cost of future Van Buren Boulevard street widening improvements along project frontage prior to case finalization may be accepted in lieu.
39. Off-site improvement plans to be approved by Public Works prior to permit issuance.
40. Hydraulic & Hydrology Report to Public Works Specifications required prior to issuance of grading permit. Project shall be required to contain incremental storm water flow. Project shall not concentrate, nor intensify drainage onto adjacent properties.
41. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to building permit issuance.
42. Closure of unused driveways to Public Works specifications.
43. Installation of approximately 550± lineal feet of sewer main to serve this project to Public Works specifications. Construction of sewer main will require a 20' non-buildable Public Sewer Easement along northerly property line. Applicant to verify constructability throughout subject property as well as through existing sewer easement(s) to the east of subject parcel.
44. Size, number and location of driveways to Public Works specifications.
45. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in

effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.

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.

46. 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.

47. 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.
48. 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.
49. 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.

50. Any surface restoration for Water Quality/Detention Basin located along northerly property line within future sewer easement shall be the responsibility of the property owner. A covenant and agreement, subject to the City Attorney's approval, shall be recorded to specify surface restoration responsibilities prior to occupancy release.

Public Works - Street Trees

51. Planting of 24" Box Size Street Trees required along public street frontage.
52. Installation of automatic irrigation system to provide deep-root watering to trees is required.

Public Utilities - Electric

53. A Blanket PUE is required on all parcels.
54. 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.
55. 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.
56. 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.
57. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
58. Plot existing electrical distribution facilities on the original site plan.