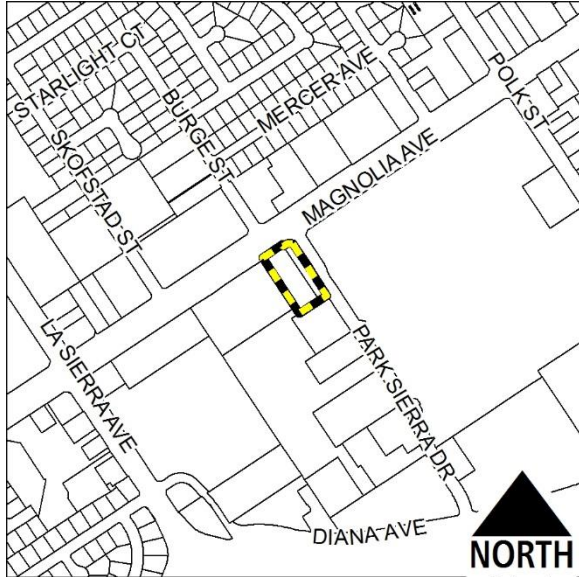




**PLANNING COMMISSION HEARING DATE: JULY 27, 2017
AGENDA ITEM NO.:3**

PROPOSED PROJECT

Case Numbers	P16-0612 (Variance), P16-0613 (Design Review), and P16-0614 (Rezone)	
Request	The following entitlements are requested to construct a 9,520 square foot multi-tenant commercial building: 1) a Rezone of a portion of the project site from R-1-7000-SP - Single-Family Residential - Specific Plan (Magnolia Avenue) Overlay Zones to CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones; 2) Design Review of project plans; and 3) a Variance to allow on-sale of alcohol within 600 feet of a hospital.	
Applicant	David Gilmore on behalf of Grae La Sierra, Inc.	
Project Location	10910 and 10920 Magnolia Avenue	
Project area	1.37 Acres	
Ward	6	
Neighborhood	La Sierra	
APN	138-470-013 and 138-470-014	
Specific Plan	Magnolia Avenue Specific Plan, La Sierra District	
General Plan Designation	MU-U - Mixed Use -Urban	
Zoning Designation	CR-SP - Commercial Retail - Specific Plan (Magnolia Avenue) Overlay Zones and the R-1-7000-SP-Single-Family Residential -Specific Plan (Magnolia Avenue) Overlay Zones	
Staff Planner	Sean P. Kelleher, Associate Planner; 951-826-5712; skelleher@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND** that City Council: **DETERMINE** that the proposed case will not have a significant effect on the environment based on the findings set forth in the case record; **ADOPT** a Mitigated Negative Declaration; and **ADOPT** an associated Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Section 21081.6; and
2. **RECOMMEND APPROVAL** of Planning Cases P16-0612 (Variance), P16-0613 (Design Review), and P16-0614 (Rezone) based on the staff report and subject to the recommended conditions.

SITE BACKGROUND

The subject 1.37-acre project site consists of two contiguous parcels that are part of a larger 63.3 acre multi-tenant commercial and office complex (Park Sierra Dining and Entertainment Park). The project site was originally developed with a motel that was demolished in 2008. The east side of the project site is partially improved with: 17 parking spaces, trash enclosure, a monument sign and a driveway with access to Park Sierra Drive. Uses within the commercial and office complex include administrative offices, medical offices, a health and fitness club, general retail, a drive thru pharmacy, sit-down and drive-thru restaurants, and automotive repair. A 2,004-space surface parking lot currently serves the complex. In 1980, a shared parking and access agreement was recorded, allowing for mutual access and parking within the complex.

Surrounding land uses include a commercial center to the north across Magnolia Avenue, a hospital (Kaiser Permanente Riverside Medical Center) to the east across Park Sierra Drive, a health and fitness club (LA Fitness), a sit-down restaurant (formerly El Torito) to the south, and a drive-thru restaurant (McDonald's) to the west.

PROPOSAL

The applicant proposes to rezone 1.0 acre of the project site from R-1-7000-SP - Single-Family Residential - Specific Plan (Magnolia Avenue) Overlay Zones to CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones to facilitate the development of a 9,520 square foot multi-tenant commercial building, with a 1,764 square foot outdoor dining patio. The project also includes new parking spaces, on-site landscaping, lighting and vehicular circulation.

The commercial building is designed to allow for four future tenants within leasable suites ranging in size from 1,200 to 3,000 square feet. Building elevations reflect a contemporary commercial architectural design with stacked rectangular massing, flat rooflines, and cornices. Design Elements on the building include the use of stucco with decorative scoring in cream, beige, and brown tones and a combination of canvas and metal canopies over doors and windows. A total of 74 parking spaces are proposed on the south side of the multi-tenant commercial building. Access to the parking lot will be provided via a new driveway on Park Sierra Drive, approximately 280 feet south of the intersection of Magnolia Avenue and Park Sierra Drive. Existing driveways along the project site frontages on Magnolia Avenue and Park Sierra Drive will be removed. Internal vehicular circulation between the project site and the Park Sierra Dining and Entertainment Park complex will be provided at the southwest and southeast corners of the project site.

The Conceptual Landscape Plan shows landscaping will be provided throughout the parking lot and along the perimeter of the site. The proposed mix of trees, shrubs, ground covers, and vines are consistent with the landscape materials used throughout the commercial complex.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of MU-U - Mixed Use – Urban, which is intended for a mix of commercial, office, institutional, business, and residential uses, with an emphasis on retail and entertainment activities. The proposed project is consistent with the Mixed Use - Urban land use designation; because, it provides additional retail and restaurant uses as part of the larger 63.3 acre Park Sierra Dining and Entertainment Park complex. The Park Sierra Dining and Entertainment Park is comprised of administrative office, medical office, health and fitness club, general retail, pharmacy, restaurant, and automotive repair uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Magnolia Avenue Specific Plan (MASP)</p> <p>The proposed project is consistent with the development standards and design guidelines of the MASP and is consistent with Objective 1 of the La Sierra District, as it will enhance the role of the La Sierra District as a major employment center with the addition of complementary retail development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The proposed Zoning designation of CR-X-10-SP - Commercial Retail, Building Setback (10 feet - Magnolia Avenue), and Specific Plan (Magnolia Avenue) Overlay Zones is inconsistent with the MU-U - Mixed Use - Urban land use designation of the City's General Plan 2025. However, the Zoning designation is consistent with the zoning in the immediate surrounding area. While consistency with the General Plan 2025 is preferable; as a charter city, consistency between the General Plan land use designation and the zoning of individual properties is not required. Sit down restaurants and retail uses in multi-tenant commercial buildings are permitted uses within the CR - Commercial Retail Zone. With the exception of a variance to allow for on-sale of alcohol at a restaurant within 600-feet of a hospital, the project is consistent with all development standards in the CR-Zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed buildings elevations, site design and conceptual landscaping 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"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

CR - Commercial Retail Zone Development Standards				
	Standard	Proposed	Consistent	Inconsistent
Lot Size	20,000 square feet	59,526 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Width - Minimum	60 feet	172 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Depth - Minimum	100 feet	337 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floor-Area-Ratio (FAR) - Maximum	0.50	0.16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Building Height	75 feet	32 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setback Overlay Zone	Front 10 feet (Magnolia Avenue)	23 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Building Setbacks	Street Side Yard 0 feet (Park Sierra Drive)	16 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side Yard 0 feet (West)	9 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear Yard 0 feet (South)	225 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscape Setback	15 feet (Park Sierra Drive)	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 – Parking and Loading Minimum Parking Requirement					
	Standard	Parking Required	Parking Provided	Consistent	Inconsistent
Proposed Multi-tenant Commercial Building 9,520 Square Feet	1 space / 100 square feet of floor area	96 Spaces	2,078 Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Existing Office Uses 145,751 Square Feet	1 space / 250 square feet of floor area	584 Spaces			
Existing Health/Fitness Club 45,000 Square Feet	1 space / 150 square feet of floor area	300 Spaces			
Existing Retail Uses 28,779 Square Feet	1 space / 250 square feet of floor area	116 Spaces			
Existing Restaurant Uses 48,852 Square Feet	1 space / 100 square feet of floor area	489 Spaces			
Existing Medical Office Uses 40,000 Square Feet	1 space / 180 square feet of floor area	223 Spaces			
Total Parking		1,808 Spaces	2,078 Spaces		

Chapter 19.450 Alcohol Sales				
	Standard	Proposed	Consistent	Inconsistent
Minimum Setback from Residential dwelling or Residentially Zoned Property	100 feet	420 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Setback from a hospital, public or private school (pre-school through twelfth grade), assemblies of people - non-entertainment, or public park.	600 feet	90 feet (Kaiser Permanente Hospital)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minimum Setback from an existing parolee / probationer home, emergency shelter, supportive housing or transitional housing and transitional housing development	1,000 feet	1,750 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VARIANCE

On-Sale Alcoholic Beverages

The 9,520 square foot multi-tenant commercial building has been designed to be subdivided into four suites that could be leased for future restaurant or retail uses. In order to provide flexibility in uses, the applicant has requested that the on-sale of alcoholic beverages be allowed in future restaurant tenant spaces. The location of the project site and the proposed project generally meets the required site location and development standards for on-sale of alcoholic beverages, with the exception of the separation requirement of 600-feet from a hospital (Kaiser Permanente Riverside Medical Center), as measured from the outside walls of the building to the nearest property line of the hospital. The applicant has therefore requested a variance to allow for on-sale of alcohol associated with restaurants within 600 feet of a hospital.

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. Staff concurs with the applicants' finding that the proposed multi-tenant commercial building has similar setbacks and will operate in a similar nature to existing sit-down restaurants in the Park Sierra Dining and Entertainment Park complex. While the Kaiser Permanente Riverside Medical Center surface parking lot is located approximately 90 feet from the proposed multi-tenant commercial building, the hospital building is located over 700 feet away from the proposed development.

DESIGN REVIEW

Building Elevations

Building elevations reflect a contemporary commercial architectural design that includes stacked rectangular massing, flat rooflines, and cornices. Design elements on the building include the use of stucco with decorative scoring in cream, beige, and brown tones and a combination of canvas and metal canopies over primary entrances and windows. The project includes draft conditions of approve requiring a secondary building material, primarily on the upper portion of the central tower elements, located on the north and south building elevations; and to provide four-sided architecture by enclosing the proposed tower element, located on the southwest portion of the building. As conditioned, Staff supports the overall architectural design, as the project will be consistent with both the Citywide Design Guidelines and the Magnolia Avenue Specific Plan design guidelines for the La Sierra District.

NEIGHBORHOOD COMPATIBILITY

The project site is located in the La Sierra District of the Magnolia Avenue Specific Plan. This area includes a wide variety of uses, including administrative offices, medical offices, a hospital, a health and fitness club, general retail, a pharmacy, sit-down and drive-thru restaurants, and automotive repair. The proposed 9,520 square foot multi-tenant commercial building, intended to be used for future restaurant and retail uses, is compatible with surrounding uses. Additionally, the contemporary commercial architectural design is consistent with recently approved and constructed buildings within the Park Sierra Dining and Entertainment Park Complex.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The CEQA documentation states the proposed project will not have a significant effect on the environment provided the recommended mitigation measures are adopted and applied.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 1,000 feet of the site. As of the writing of this report, no responses regarding this project 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. Staff Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Existing and Proposed Specific Plan/Zoning Map
6. Project Plans (Site Plans, Floor Plans, Building Elevations, Renderings, Conceptual Landscape Plan, Photometric Plan, Conceptual Grading Plan, and Conceptual Utility Plan)
7. Existing Site Photos
8. CEQA Document (Mitigated Negative Declaration)
9. Applicant Provided Variance 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 – STAFF FINDINGS

Case Numbers: **P16-0614** (Rezone)
 P16-0612 (Variance)

Zoning Code Amendment Findings Pursuant to Section 19.810.040

- a. The proposed CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones are generally consistent with the goals, policies, and objectives of the General Plan.
- b. The proposed CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones will not adversely affect surrounding properties.
- c. The proposed CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

Variance Findings pursuant to Section 19.720.040:

Requested Variance: To allow for on-sale of alcohol within 600 feet of a hospital.

- 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 Zoning regulations would prohibit the on-sale of alcohol due to the fact that the site is within 600 feet of a hospital (Kaiser Permanente Riverside Medical Center) site. While, the Kaiser Permanente Riverside Medical Center surface parking lot is located approximately 90 feet from the proposed multi-tenant commercial building, the hospital building is located over 700 feet away from the proposed development. Additionally, there are two properties within the Park Sierra Dining and Entertainment Park (Red Lobster and the former El Torito) with existing on-sale alcohol licenses. Both Red Lobster and the former El Torito front onto Park Sierra Drive and have similar separation distances from the hospital as the proposed multi-tenant commercial building. Therefore, strict application of the separation requirement from the hospital would result in an unnecessary hardship that is not experienced by other restaurants within the Park Sierra Dining and Entertainment Park.

- 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 proposed multi-tenant commercial building is located in the northeast corner of the Park Sierra Dining and Entertainment Park, a 63.3 acre multi-tenant commercial and office complex, adjacent to the intersection of Magnolia

Avenue and Park Sierra Drive. The multi-tenant commercial building is approximately 90 feet from an existing hospital (Kaiser Permanente Riverside Medical Center) site. However, the closest area of the hospital property to the project site is utilized as a surface parking lot. If the hospital building was located on its own parcel, the building would be in excess of 700 feet from the proposed multi-tenant commercial building, thus meeting the separation standards of the Zoning Code. Therefore, an exceptional circumstance exists due to the separation of the proposed multi-tenant commercial building from the hospital building.

- 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. Sit down restaurants in multi-tenant commercial buildings are a permit use within the Magnolia Avenue Specific Plan and the CR - Commercial Retail Zone. On-sale of alcohol is an incidental use associated with restaurant uses. Neither the restaurant use nor the incidental alcohol use will be detrimental or injurious to the property improvements or improvements in the neighborhood. There are two existing restaurants within the Park Sierra Dining and Entertainment Park (Red Lobster and the former El Torito) with on-sale alcohol licenses. Both of these businesses have operated without being detrimental or injurious to the neighborhood. Therefore, 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.

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



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P16-0612** (Variance)
 P16-0613 (Design Review)
 P16-0614 (Rezone)

CONDITIONS

Case Specific

Planning

1. The CR-X-10-SP - Commercial Retail - Building Setback (10 feet - Magnolia Avenue) - Specific Plan (Magnolia Avenue) Overlay Zones shall be applied to the subject properties, as shown in Exhibit 5.
2. The applicant is advised that the business or use for which this Rezone, design review, and variance 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. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Operational Condition:

4. All businesses shall operate in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.

Site Operational Standards for On-Sale of Alcohol Condition:

5. The on-sale of alcohol in conjunction with a restaurant shall be in compliance with Chapter 19.450 (Alcohol Sales) of the Zoning Code.

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. **Mitigation Measure B-1:** In order to avoid the take of any species protected under the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW) Game Code Section 3513, a pre-construction nesting bird survey shall be conducted not more than 30 days prior to any grading, tree or brush clearing or trimming, grubbing or other project related ground disturbances that is to occur between February 1 through August 31.

If no nesting birds are observed during the survey, site preparation and construction activities may begin. If nesting birds (including nesting raptors) are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the appropriate wildlife agency. Measures shall include establishment of an avoidance buffer until nesting has been completed. Width of the buffer will be determined by the project biologist. Typically this is a minimum of 300 feet from the nest site in all directions (500 feet is typically recommended by CDFW for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings.
- 8. **Mitigation Measure CR-1:** If construction activities result in ground disturbing activities that extend beyond five feet in depth, then the Applicant shall retain a qualified paleontologist to determine if the older Quaternary deposits are being disturbed. If the older Quaternary deposits are being disturbed then the paleontologist shall establish a monitoring program to recover any significant fossils that may be encountered.
- 9. **Mitigation Measure CR-2:** Archaeological Monitoring: At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to periodically monitor all ground-disturbing grading activities up to depth of 8 feet in an effort to identify any unknown archaeological resources. Spot check monitoring can be limited to a total of 20 hours per week.
- 10. **Mitigation Measure CR-3:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:
 - a. All work shall halt and the Tribes shall be contacted immediately after the discovery.
 - b. An agreement shall be established with the Tribes for tribal monitoring of all ground disturbing activities on the project site.
 - c. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
 - d. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more

of the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same:

- Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
 - A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation; and
- e. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default.
11. A reciprocal parking and access agreement shall be recorded between the Park Sierra Dining and Entertainment Park and Assessor Parcel Numbers 138-470-013 and 138-470-014, subject to the review and approval of the Planning Division and the City Attorney's Office.

During Grading and Construction Activities:

12. 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.
13. 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.
14. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
15. 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.
16. 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.
17. 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:

18. 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.
19. **Building Elevations:** Revise the submitted Building Elevations such that the plan provided for building permit plan check incorporates the following changes:
- a. Hardie board or other complementary material shall be utilized for the upper portion of the central tower elements of the north and south building elevations including the east and west sides of the tower elements.
 - b. The tower element located at the southeast corner of the building shall be enclosed on all four sides.
 - c. Architectural reveals beneath the proposed cornices shall be provided on all sides of the tower elements.
20. 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.

21. 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.
22. Ground mounted equipment shall be fully screened from the public right-of-way.

Prior to Release of Utilities and/or Occupancy:

23. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the Water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. 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.

Standard Conditions:

24. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the City Council. Subsequent one-year time extensions may be granted upon request by the applicant. Any extension of time beyond five years may only be granted after an advertised public hearing by the City Council.
25. All necessary parcel description describing the exact area to be rezoned shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California for the area of the property to be rezoned. Descriptions are required to be on 8 1/2 inch by 11 inch paper with the title "Attachment A" at the top.
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. The Project must be completed per the Rezone, Design Review, and Variance approved by the City Council, including all conditions listed in this report. Any substantial changes to the Project must be approved by the City Council 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.

29. 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.
30. Failure to abide by all conditions of this permit shall be cause for revocation.
31. 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

32. Wastewater Discharge Survey to be submitted to Environmental Compliance Section and approved.

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

If an interceptor is required, it shall meet specifications in R.M.C. sections 14.12.255, 260, 270, 275, and be sized in accordance with the Universal Plumbing Code, Chapter 10, Table 10-3, and be a minimum size of 750 gallons. Actual approved interceptor size depends on review of drainage fixture units and survey. Domestic waste shall not be allowed to pass through the interceptor.

33. If a sampling station is required—submit proposed installation on corrected plans.
34. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
35. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
36. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
37. Other items for correction may need to be completed after actual plans are submitted for a formal review.

Fire Department

38. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
39. Construction plans shall be submitted and permitted prior to construction.
40. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
41. Fire Department access shall be maintained during all phases of construction.

42. 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.

43. Provide for Fire Department vehicle access to within one hundred and fifty (150) feet of all portions of all exterior walls of all structures. This measurement shall be based on the path of travel as determined by the Fire Department.

Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.

Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be maintained at all times. Information Bulletin attached.

Parks, Recreation & Community Services – Park Planning

44. 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

Conditions of approval to be approved prior to Case Finalization unless otherwise noted.

45. Deed for widening Magnolia Avenue to 77 feet from monument centerline to Public Works specifications.
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. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.
48. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
49. 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.
50. Size, number and location of driveways to Public Works specifications. The project shall maintain adequate sight distance at the newly proposed driveway. No new driveway shall be added along Magnolia Avenue.
51. 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.

52. 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.
53. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

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

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

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

Public Works - Street Trees

Conditions of approval to be approved prior to Case Finalization unless otherwise noted.

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

Public Utilities – Electric

- 56. 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. (Several Relocations need to be addressed before construction of the building).
- 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 surveyor.
- 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.

Public Utilities – Water

- 61. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.
- 62. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
- 63. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
- 64. Advisory: Commercial sub-metering is not permitted. If applicant desires for separate suites to have separate metered service, each unit will require a separate meter.