

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case Nos.: P16-0612 (VR)
P16-0613 (DR)
P16-0614 (RZ)

PLANNING COMMISSION HEARING DATE: July 27, 2017

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.