



Community Development Department

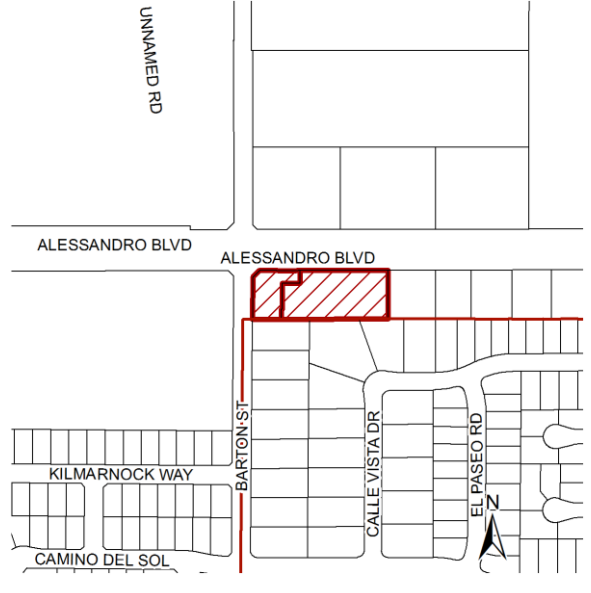
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Planning Division

PLANNING COMMISSION HEARING DATE: NOVEMBER 02, 2017

AGENDA ITEM NO.: 3

PROPOSED PROJECT

| | | |
|---------------------------------|---|---|
| Case Numbers | P17-0360 (Conditional Use Permit), P17-0361 (Design Review) and P17-0750 (Variance) | |
| Request | The following entitlements are requested to permit construction of a 1,857-square-foot drive thru restaurant (Jack in the Box) within an existing commercial complex (Barton Center): 1) a Conditional Use Permit to permit a drive-thru restaurant; 2) a Design Review of project plans; and 3) a Variance to allow fewer on-site parking spaces than required by the Zoning Code. | |
| Applicant | Chad Hamilton, of Northwest Commercial Advisors | |
| Project Location | 1001 Alessandro Boulevard, situated on the southeast corner of Alessandro Boulevard and Barton Street. |  |
| Project Area | 0.45 acres | |
| Ward | 4 | |
| Neighborhood | Mission Grove | |
| APN | 297-021-021 and 297-027-022 | |
| General Plan Designation | C - Commercial | |
| Zoning Designation | CR – Commercial Retail | |
| Staff Planner | Brian Norton, Senior Planner; 951-826-2308; bnorton@riversideca.gov | |

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) subject to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-fill Development Projects), as this project will not have a significant effect on the environment; and

2. **APPROVE** Planning Cases P17-0360 (Conditional Use Permit), P17-0361 (Design Review) and P17-0750 (Variance), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The subject 0.45-acre site is vacant and has functioned as part of a larger 1.81-acre, multi-tenant commercial complex (Barton Center), developed in the mid-1980s. The commercial center was annexed into the City in November 1987. The center is comprised of two contiguous parcels developed with two commercial buildings, along the south and east portions of the site. Primary uses within the center include professional offices, retail uses and restaurants. Approximately 875 square feet of leasable space is currently vacant. A reciprocal access and parking agreement (DOC#2007-0750154) allows both parcels to share 95 on-site parking spaces and ingress/egress along Alessandro Boulevard and Barton Street.

Surrounding land uses include undeveloped commercial land to the north across Alessandro Boulevard, multi-family residential development to the west across Barton Street, single-family residential to the south within the County of Riverside, and a commercial use to the east of the site.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to construct a 1,857 square foot drive thru restaurant building. Design Review is requested for site design, building elevations and reconfiguration of existing on-site parking spaces. In addition, a Variance is requested to allow for fewer parking spaces than required by Code.

The restaurant includes an approximately 569-square-foot outdoor dining patio on the north side of the building. A single drive thru lane, 188 feet in length and 12 feet in width, is proposed to wrap the restaurant, primarily along the north and west sides of the building, to accommodate stacking for 10 vehicles. The menu and voice order box, which faces Alessandro Boulevard, is located approximately 150 feet from the nearest residential dwelling to the south of the project. The applicant has indicated the dining room portion of the restaurant will operate Monday through Thursday from 5:00 a.m. to 10:00 p.m. and Friday through Sunday from 5:00 a.m. to 12:00 a.m. The drive-thru lane will operate 24 hours a day, seven days a week. The restaurant expects to employ 8 employees.

Building elevations depict a contemporary commercial architectural design with stacked rectangular massing, articulated rooflines, generous eaves and a variety of proposed finish materials. Design elements include: cement plaster and tile walls in dark gray, red, and cream; large overhangs and a steel canopy primarily used above entrances and windows; and decorative sconce lighting.

The project proposes to reconfigure a portion of the commercial center's existing 90-stall parking lot, by eliminating 17 parking spaces and creating 22 new parking spaces; resulting in a net addition to the center's total number of on-site parking spaces from 90 to 95. Ingress and egress to the site will continue to be provided from Alessandro Boulevard and Barton Street via existing two-way driveways.

The conceptual landscape plan reflects multiple species of shade and accent trees, shrubs and ground covers to accent the proposed architecture. Plans include a three-foot high screen wall, adjacent to the drive thru lane. An existing six-foot masonry wall and five-foot landscaped planter,

constructed at the time of the commercial complex, are located along the southern property line.

PROJECT ANALYSIS

| <i>Authorization and Compliance Summary</i> | | |
|--|-------------------------------------|--------------------------|
| | Consistent | Inconsistent |
| General Plan 2025 The proposed project is consistent with the underlying General Plan 2025 land use designation of C - Commercial, which will further the intent of the General Plan by facilitating in-fill development. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Zoning Code Land Use Consistency (Title 19) The CR – Commercial Retail Zone is consistent with the C – Commercial General Plan land use designation. Drive-thru restaurants are permitted in the CR Zone, subject to the granting of a Conditional Use Permit and compliance with Site Location, Operational, and Development Standards for drive-thru businesses. With the exception of a Variance for parking, the project is consistent with all development standards for drive-thru businesses and the CR Zone. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Compliance with Citywide Design & Sign Guidelines The buildings elevations and site design, as proposed, are consistent with the Citywide Design and Sign Guidelines. As well, the project is consistent in design with similar uses in the immediate area. Thus, Staff supports the project. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Compliance with March Air Reserve Base The proposed project is located within March Air Reserve Base (MARB)/Riverside Airport Land Use Compatibility Plan Zone C2. On August 10, 2017 the Riverside County Airport Land Use Commission determined the proposed project to be consistent with the MARB Land Use Compatibility Plan. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| <i>CR-Commercial Retail Zone Development Standards</i> | | | | |
|--|---|------------------|-------------------------------------|--------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Lot Width</i> | 60 feet | 164 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Lot Depth</i> | 100 feet | 169 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Floor Area Ratio</i> | 0.50 | 0.09 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Max. Building Height</i> | 75 feet | 24 feet 2 inches | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Min. Building Setbacks</i> | Front 0 feet (Alessandro Boulevard) | 50 feet 2 inches | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Street Side 0 feet (Barton Street) | 29 feet 8 inches | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Rear 15 feet (Adjacent to Residential) | 58 feet 1 inch | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Min. Landscape Setback</i> | Front and Side 15 feet (Alessandro Boulevard and Barton Street) | 15 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Chapter 19.475 Drive-Thru Business Standards | | | | |
|---|---|---|-------------------------------------|--------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Lot Area</i> | 30,000 square feet, unless integrated within a commercial complex | The commercial center is 78,989 square feet and includes the subject 19,710 square foot lot | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Frontage</i> | 100 feet (Alessandro Boulevard) | 141 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Located on Arterial Street | Alessandro Boulevard - 120-foot Arterial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Block Wall when Adjoining a Residential Zones</i> | 6 Foot High Block Wall | Existing 6 Foot High Block Wall along south property line | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Drive-Thru Lane Standards</i> | Minimum Length: 180 feet | 188 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum Stacking: 10 vehicles | 10 vehicles | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Minimum Width: 12 feet | 12 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Drive-Thru Lane Screen | 3-foot tall screen wall | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Chapter 19.580 – Parking and Loading Design Standards for Commercial Uses | | | | |
|--|----------------------|----------------------|-------------------------------------|--------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Parking Space Width</i> | 9 feet | 9 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Parking Space Depth</i> | 18 feet | 18 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Drive Aisle Width</i> | Two Way – 24 feet | 24 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Shade Trees</i> | One tree/four spaces | One tree/four spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Chapter 19.580 – Parking and Loading Design Standards for Commercial Uses | | | | |
|--|---|--------------------------|-------------------------------------|--------------------------|
| | Standard | Proposed | Consistent | Inconsistent |
| <i>Walls</i> | Adjacent to residential – 6-foot-high masonry | 6-foot-high masonry wall | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Barton Commercial Center Parking Analysis - Chapter 19.580 – Parking and Loading Minimum Parking Requirements for Existing and Proposed Uses | | | | | | |
|---|-------------------|-------------------------|-------------------------|-------------------------|--------------------------|-------------------------------------|
| Use | Standard | Gross Floor Area | Parking Required | Parking Provided | Consistent | Inconsistent |
| <i>Restaurant</i> | 1 space/100 s.f. | 5,606 s.f. ¹ | 57 spaces | 95 spaces | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Medical Office</i> | 1 space/ 180 s.f. | 1,730 s.f. | 10 spaces | | | |
| <i>Retail</i> | 1 space/ 250 s.f. | 9,400 s.f. ² | 38 spaces | | | |
| <i>Personal Services</i> | 1 space/ 250 s.f. | 2,020 s.f. | 8 spaces | | | |
| <i>Total Parking</i> | | | 113 spaces | 95 spaces | | |

¹ Includes proposed 1,857 square foot drive-thru restaurant.

² Includes vacant 875 square foot commercial space.

VARIANCE

Parking

Conditions, Covenants and Restrictions (CC&Rs) provide for reciprocal parking and access throughout the commercial center. The proposed mix of uses in the center, including the proposed drive-thru restaurant, yields a minimum parking requirement of 113 spaces. This project will result in a total of 95 parking spaces to serve the existing commercial center and the proposed drive thru restaurant. The applicant is therefore requesting a Variance to reduce the required number of on-site parking spaces from 113 to 95.

The applicant has prepared justification findings in support of the variance request. Additionally, the applicant has conducted a Parking Demand Analysis documenting the parking demand at the center during a typical weekday and weekend. The study indicates that peak parking demand without the proposed restaurant and 827 square feet of vacant commercial space is as follows: weekday peak demand occurs at 4:00 p.m., when 48% (or 44) on-site parking spaces are occupied and weekend peak demand occurs at 5:00 p.m., when 43% (or 39) on-site parking spaces are occupied. When the proposed project and the 875 square feet of vacant commercial space are factored in, the weekday peak demand changes to 12:00 p.m. to 2:00 p.m. where 76% (or 72) of on-site parking spaces are occupied and the weekend peak demand changes to 1:00

p.m., when 71% (or 67) of parking spaces are occupied. Both weekday and weekend peak demand parking scenarios with the project demonstrate an excess of 23 parking spaces.

In addition, staff has prepared supplemental justification findings in support of the variance based on the analysis presented in the Parking Study. Staff concurs with the Study's conclusion that, based on the current utilization rate and the operational characteristics of the existing uses, an adequate supply of on-site parking will continue to exist despite a deficit of 18 parking spaces per Code requirements. Staff is able to make the required findings to support the Variance request, which are attached to this report.

NEIGHBORHOOD COMPATIBILITY

The project is compatible with surrounding development patterns along Alessandro Boulevard. The project is designed to provide adequate access, circulation and on-site parking within an existing commercial complex. The placement of the restaurant and voice order box for the drive-thru have been situated the greatest distance feasible from residential uses, with the voice order box being in excess of 150 feet and adjacent to Alessandro Boulevard. An existing six foot block wall and five-foot-wide landscape planter will provide adequate screening of the proposed restaurant. The project, as proposed, will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Project), as the project constitutes new construction and an infill development project. The project is consistent with the criteria set forth in Section 15303(c) for commercial structures in urbanized areas not exceeding 10,000 square feet in floor area, on sites zoned for such use, not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available and in an area that is not environmentally sensitive.

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

- a. The project is consistent with the applicable General Plan Designation of C – Commercial and all applicable General Plan policies as well as with the applicable zoning designation of CR – Commercial Retail, including provisions of the Zoning Code authorizing the granting of Variances for deviations from development standards such as minimum parking requirements;
- b. The project occurs within the City Limits on a project site of no more than five acres substantially surrounded by urban uses (the area of work for the proposed project being approximately 0.45 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 have therefore determined that the proposed project requires no further environmental review, and that it will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, 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. Zoning Map
6. Project Plans (Site Plan, Floor Plan, Conceptual Landscape Plan, Building Elevations, Renderings, and Material Sample Sheet)
7. Project Description
8. Parking Demand Analysis
9. Applicant Provided Variance Justifications
10. Riverside County Airport Land Use Commission Report and Conditions – ZAP1275MA17
11. Existing Site Photos

Prepared by: Brian Norton, Senior Planner

Reviewed by: Ted White, Community and Economic Development Deputy Director

Approved by: Rafael Guzman, Community and Economic Development Director



EXHIBIT 1 – Findings

PLANNING CASES: **P17-0360 (Conditional Use Permit), P17-0361 (Design Review) and P17-0750 (Variance)**

Conditional Use Permit Findings pursuant to Chapter 19.760.040:

- The proposed drive thru restaurant is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- The proposed drive thru restaurant will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- The proposed drive thru restaurant will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Drive-Thru Business Findings pursuant to Chapter 19.475.050

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

Variance Findings Pursuant to Chapter 19.720.040

- a. To allow for 95 parking spaces, where 113 on-site parking spaces are required by the Zoning Code.
- *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

The proposal **complies** with this finding. Strict application of the Zoning Code would require a total of 113 parking spaces to serve the commercial center, including the proposed drive thru restaurant. This means that an additional 18 parking spaces would need to be provided

beyond what the project proposes. This would require the acquisition of adjacent property currently developed with single-family residences and commercial uses for the construction of new parking areas, or the permanent abandonment of existing vacant tenant space, or a significant reduction of the proposed drive-through restaurant building. Each of these scenarios presents a practical difficulty or unnecessary hardship inconsistent with the purpose of the Zoning Code.

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

The proposal **complies** with this finding. The project site is contained within an existing, fully-developed commercial center comprising approximately 16,900 square feet of leasable space, occupied by a variety of commercial, office, medical and restaurant uses with distinct operating characteristics. As summarized in the Parking Study, prepared for this project, observational data collected at the site demonstrates that the center's existing peak parking demand occurs on a weekday at 4:00 p.m. where 44 spaces, or 48% of the 95 spaces are available on-site before implementation of the proposed project. This is due primarily to the mixture of uses on the site, which include neighborhood serving businesses, sit-down and quick serve restaurants, and various professional and medical offices, each having distinct operational characteristics and peak hours. This circumstance is unique to the project site, a small multi-tenant, mixed-use commercial complex, compared to nearby properties in the CR – Commercial Retail Zone, which typically have fewer internal operational synergies.

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

The proposal **complies** with this finding. The results of the Parking Study prepared for this project concluded that the existing center experiences a peak parking demand during the weekday at 4:00 p.m. at 44 spaces, or 48% percent of those available, just under half of the center's available parking supply remains underutilized at peak demand times. Implementation of the proposed project would result in a net addition of 4 on-site parking spaces, resulting in a total of 95. Assuming the project and the vacant tenant space exerts the maximum parking demand required by the Zoning Code (18 spaces), peak parking demand for the entire center would result in the need of 72 spaces, or 76% of the 95 available. Thus, granting of a variance to reduce the center's required on-site parking from 113 to 95 spaces would not affect the adequacy of the existing parking supply and would in fact leave a comfortable surplus of 23 spaces, thereby ensuring that no spillover, circling or other detrimental effects deriving from a parking shortage will occur in the adjacent neighborhood.

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

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



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P17-0360** (Conditional Use Permit)
 P17-0361 (Design Review)
 P17-0750 (Variance)

CONDITIONS

Case Specific

• **Planning**

1. The applicant shall comply with conditions of approval of the County of Riverside Airport Land Use Commission Development Review Number ZAP1275MA17.
2. The drive-thru restaurant shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case, except for any specific modifications that may be required by these conditions of approval.
3. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
4. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Issuance of Grading Permit:

5. 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

6. 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.

7. 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.
8. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
9. 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.
10. 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.
11. 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

12. Landscaping and Irrigation plans shall be submitted for Planning Staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
13. 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.

14. 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.
15. 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.
16. Ground mounted equipment shall be fully screened from the public right-of-way.

Prior to Release of Utilities and/or Occupancy:

17. 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 Brian Norton, Senior Planner, at (951) 826-2308 or bnorton@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

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

Standard Conditions

19. There shall be a 24-month time limit in which to commence construction of the project beginning the day following approval by the City Planning Commission.
20. 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.

21. 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.
22. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
23. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
24. The Project must be completed per the Conditional Use Permit and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Staff. 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.
25. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
26. Failure to abide by all conditions of this permit shall be cause for revocation.
27. 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**

28. 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.

29. If a sampling station is required—submit plans of proposed installation.
30. 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.
31. 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.
32. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
33. Note: Other items for correction may need to be completed after actual plans are submitted for a formal review.

- **Fire Department**

34. 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.

35. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
36. Fire Department access shall be maintained during all phases of construction.

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

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

- **Public Works**

Conditions to be fulfilled prior to occupancy unless otherwise noted

38. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.
39. Protect existing street trees in place.

40. Existing RTA Bus Stop bench and sign to be relocated to east side of Alessandro project driveway in accordance with Public Works Specifications.
41. 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.

42. 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.

43. 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.
44. 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.

45. 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 Utilities – Electric**

46. 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.
47. 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.
48. 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.
49. Blanket Public Utility Easement required on all parcels.
50. Plot existing electrical distribution facilities on the original site plan.

- **Western Municipal Water District**

51. Compliance with water efficient landscape requirements per the City of Riverside Ordinance.
52. Western as a member agency of Metropolitan Water District of Southern California (MWD) will enforce MWD's Plan for Water Use Guideline requirements for water use efficiency.
53. Developer's landscape architect is required to consult with Western's water efficiency specialist to review Western's landscape and irrigation requirements.
54. Developer to submit a 22"x34" preliminary onsite and/or offsite plan of water layout to Western before submittal of Water Improvement Plans.
55. Preliminary water plans shall show the following items:
- a. Delineate all proposed water facilities within project boundaries. Include pipeline diameters and type of material.

- b. Delineate all existing utility facilities within project boundaries.
 - c. Delineate all easements within project boundaries.
 - d. Delineate all proposed and existing lots, streets and storm drains.
- 56. Developer to submit a detailed engineer's construction cost estimate to Western for review and approval. Once approved, Developer shall make a deposit for plan checking services for Water Improvement Plans.
 - 57. Water Improvement Plans shall be designed per Western's Standard Specifications.
 - 58. Developer to submit grading plans for Western's review and approval before grading permit is issued. All onsite and/or offsite utilities to be relocated area t Developers expense.
 - 59. Developer to pay all cost associated with preliminary review by Western at the time of review.
 - 60. Water Improvement Plans shall not be accepted for plan checking until all items mentioned above are reviewed and approved by Western.