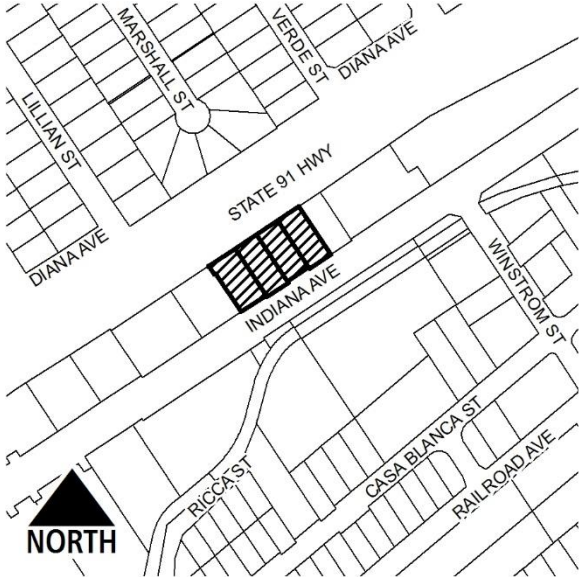




PLANNING COMMISSION HEARING DATE: SEPTEMBER 21, 2017
AGENDA ITEM NO.: 5

PROPOSED PROJECT

Case Numbers	P16-0617 (Rezone), P16-0618 (Design Review), and P17-0609 (Variance)	
Request	To consider the following entitlements to permit the construction of a 4,056 square foot addition to an existing 930 square foot building to establish a used vehicle sales business (Enterprise Cars dealership): 1) to rezone two parcels from R-1-7000-SP – Single Family Residential and Specific Plan (Riverside Auto Center) Overlay Zones to CG-SP - Commercial General and Specific Plan (Riverside Auto Center) Overlay Zones; 2) Design Review of plot plans and building elevations; and, 3) a Variance to allow vinyl fencing where a masonry wall is required on a shared side property line adjacent to a single-family residence.	
Applicant	Kevin Wolf, of Wolf Nejedly V, LLC	
Project Location	7745, 7735, 7725, and 7715 Indiana Avenue, situated on the north side of Indiana Avenue, south of the 91 freeway, east of Jefferson Street, and west of Winstrom Street	
Project area	0.92 acres	
Ward	4	
Neighborhood	Casa Blanca	
Specific Plan	Riverside Auto Center	
APN	230-100-025, 230-100-007, 230-100-016, & 230-100-009	
General Plan Designation	CRC- Commercial Regional Center	
Zoning Designation	CG-S-2-X-SP – Commercial General Zone, Building Stories (2 stories), Building Setback (10 feet from Indiana Avenue) and Specific Plan (Riverside Auto Center) Overlay Zones & R-1-7000-SP – Single Family Residential Specific Plan (Riverside Auto Center) Overlay Zones	
Staff Planner	Alyssa Berlino, Planning Technician; 951-826-5628; aberlino@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) and Section 15332 (Infill Development Projects); and
2. **RECOMMEND APPROVAL** of Planning Cases P16-0617 (Rezone), P16-0618 (Design Review) and P17-0609 (Variance), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

This 0.92-acre property is comprised of four contiguous parcels. Two of the parcels are zoned CG-S-2-X-SP – Commercial General with Story Height Limit (two stories) and Building Setback (10 feet from Indiana Avenue) Overlay Zones and the other two are zoned R-1-7000-SP – Single Family Residential and Specific Plan (Riverside Auto Center) Overlay Zones. The most western parcel is developed with a 930 square foot, single story automobile sales building and a surface parking lot. The three remaining parcels are currently vacant.

Surrounding land uses include State Route 91 to the north, a single-family residence to the east, and auto sales-related businesses to the west and across Indiana Avenue, to the south.

PROPOSAL

The applicant is requesting approval to rezone two parcels from R-1-7000-SP – Single Family Residential and Specific Plan (Riverside Auto Center Specific Plan) Overlay Zones to CG-SP - Commercial General and Specific Plan (Riverside Auto Center) Overlay Zones. The Design Review request is for the construction of a 4,056 square foot addition to an existing 930 square foot building to be used as a sales office for an Enterprise Car Sales dealership. A Variance is also requested to allow vinyl fencing to be used in place of a masonry wall, which is required by the Riverside Auto Center Specific Plan when a commercial development is located adjacent to residentially zoned or used properties. The proposed building expansion includes a large sales office, reception area and a 930 square foot customer delivery room. The building is situated on the west portion of the property. Building elevations depict a contemporary commercial architectural design with stacked rectangular massing, flat rooflines, and a variety of proposed finish materials, which will be integrated with the existing building. Design elements include cement plaster in light beige, crown molding in pure white, architectural metal in "Spring Green", metal sunshades over primary entrances and outer window bays, and aluminum and glass overhead doors for vehicle access into the vehicle delivery room.

A total of 96 parking spaces are proposed, of which 71 parking spaces will be designated for vehicle display and 25 spaces for employee and customer parking. Access will be provided from Indiana Avenue via an existing 25-foot wide driveway on the west side of the property. Landscaping will be provided around the edges of the project, within small landscaped islands consistent with the requirements of the Riverside Auto Center Specific Plan guidelines for landscaping. Planting materials include both deciduous and non-deciduous trees and clusters of ground cover and shrubs to accent the vehicle entrances and inventory display. In addition, a variety of shrubs will also be provided as screening in the area between State Route 91 and the project site.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The General Plan 2025 land use designation of the subject properties is Commercial Regional Center (CRC).</p> <p>The CRC designation provides for large, regionally serving retail, service and office uses. The Riverside Auto Center, Riverside Plaza, Town Centre and the Galleria at Tyler area are designated CRC. The maximum allowable development intensity of CRC is equal to that of Commercial; lands in the CRC area are expressly reserved for commercial enterprises that will draw customers from a much wider area and as such, typically have different access, parking, loading and related needs than a typically smaller Commercial development.</p> <p>The project is consistent with the General Plan Policy LU-76.1 which states that the City should "continue to implement the Auto Center Specific Plan, updating as necessary to ensure the Auto Center's ongoing regional prominence."</p> <p>The project will provide for an additional auto dealership within the existing boundaries of the Riverside Auto Center Specific Plan which is clearly the intent of the CRC General Plan Land Use Designation and the Riverside Auto Center Specific Plan.</p> <p>Therefore, although the CRC General Plan Land Use Designation is not directly consistent with the existing or proposed base zoning of Commercial General (CG) the proposed project will further the intent and purpose of the CRC General Plan Land Use Designation. Further, while consistency between the General Plan 2025 land use designation and zoning of a site is preferable, as a Charter City, consistency is not required.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The subject site is located within the Riverside Auto Center Specific Plan. The Specific Plan supersedes the underlying Zoning Ordinance or other City regulations within the Auto Center Specific Plan area in instances of differing regulations.</p> <p>The project includes the rezoning of two parcels from R-1-7000 – SP – Single-Family Residential and Specific Plan (Riverside Auto Center) Overlay Zones to CG – SP – Commercial General and Specific Plan (Riverside Auto Center) Overlay Zones), design review of a building expansion and variance to permit a vinyl fence in lieu of a masonry wall.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Authorization and Compliance Summary		
	Consistent	Inconsistent
<p>The proposed zoning is consistent with the existing neighborhood and other properties located within the Riverside Auto Center Specific Plan. However, the only zone directly consistent with the General Plan land use designation of CRC is the CRC Zone. The CRC Zone; however, requires a minimum lot size of 10 acres which is inconsistent with the ½ acre requirement of the Auto Center Specific Plan.</p> <p>The proposed CG- Commercial General and the existing CG-S-2-X-SP – Commercial General Zone, Building Stories (Two Stories), Building Setback (10 feet from Indiana Avenue) Overlay Zones are consistent with the Riverside Auto Center Specific Plan, which permits vehicle sales by right. The project is consistent with all development standards for the CG Zone and the Riverside Auto Center Specific Plan except for the requirement for a masonry wall, for which the applicant has requested a variance. As conditioned, the project is consistent with the Zoning Code.</p>		
<p>Riverside Auto Center Specific Plan (RACSP)</p> <p>The project is located within the Riverside Auto Center Specific Plan. The RACSP was adopted by the City Council on October 23, 1990. Adoption of the Specific Plan spearheaded the renovation of the Riverside Auto Center, which was developed in 1965 as one of the earliest auto centers constructed in the United States.</p> <p>The Auto Center Specific Plan area is designated as Commercial Regional Center on the City's General Plan Land Use Map and is Zoned CG (General Commercial) intermixed with pockets of CR (Commercial Retail) and R-1-7000 (Single Family Residential).</p> <p>The Specific Plan is a flexible planning document which features precise parcel-specific design guidelines where special sensitivity is warranted with less specificity in others. The Plan promotes public/private coordination of development efforts within the Auto Center Specific Plan area.</p> <p>The overall goal of the Specific Plan is to retain and return the Riverside Auto Center as the premier "state of the art" auto center in Southern California by retaining and expanding a major component of the City's sales tax and employment base. The proposed rezoning of the project site is consistent with the goal of the specific plan by clarifying the permitted land uses as vehicle sales while removing potentially incompatible land uses, such as Single-Family Residences. The subject site contains two of the three remaining single-family residentially zoned properties located along Indiana Avenue between Madison and Jefferson Streets.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Authorization and Compliance Summary		
	Consistent	Inconsistent
<i>Compliance with the Riverside Municipal Airport Land Use Compatibility Plan (ALUC)</i> The project is located within Zone E of the Riverside Municipal Airport Land Use Compatibility Plan. The project was reviewed by the Riverside County Airport Land Use Commission (RCALUC) and determined to be conditionally consistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan. Conditions of approval have been added to reflect the limitations imposed by the RCALUC.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Compliance with Citywide Design & Sign Guidelines</i> The proposed site design, building elevations, and conceptual landscaping are consistent with the applicable provisions of the Citywide Design and Sign Guidelines for new commercial development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>CG-S-2-X – Commercial General, Building Stories (2 stories) and Building Setback (10 feet from Indiana Avenue) Zone Development Standards</i>				
	Standard	Proposed	Consistent	Inconsistent
<i>Lot Depth</i>	100 feet	146 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Floor Area Ratio</i>	0.50	0.12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Building Setbacks</i>	Front (Indiana Avenue) 10 feet	57 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Sides 0 feet	11 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Riverside Auto Center Specific Plan - Dimensional Requirements and Lot Size Requirements, Residential to Commercial Rezoning Standards				
Standard		Proposed	Consistent	Inconsistent
Frontage	100 feet (Indiana Avenue)	276 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Max. Building Height	60 feet	20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Story Heights	4 stories	1 story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Min. Lot Size	21,780 square feet	40,470 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaped Set-Backs – 91 Freeway Frontage	5 feet	8 feet (Building) 5 feet (Landscaping)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaped Set-Backs – Vehicle Sales Display Area Street Frontages:	10 feet	11 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaped Set-Backs – Adjacent to Residential	5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaped Set-Backs – Adjacent to Residential (Wall)	6 foot tall masonry	6 foot tall vinyl (Variance Requested)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Chapter 19.580 – Parking and Loading Design Standards					
Standard			Proposed	Consistent	Inconsistent
Vehicle Sales w/ Outdoor Display	5 spaces plus 1 space/250 s.f. of office area (4,986 s.f.)	25 spaces	25 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking Space Width	9 feet	9 feet	9 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking Space Depth	18 feet	18 feet	18 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive Aisle Width	24 feet	24 feet	24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VARIANCE

Masonry Wall

The Riverside Auto Center Specific Plan requires a 6-foot tall masonry wall be constructed on the shared property line when a commercial development is located adjacent to a residentially zoned or utilized property. The project site is located adjacent to an R-1-7000 - Single-Family Residential Zoned property. A variance is requested to allow a six-foot high vinyl fence in lieu of the required six-foot high masonry wall.

The applicant has prepared justification findings in support of the variance. In addition, staff has prepared supplemental justification findings in support of the variance. The Specific Plan permits the sale of new and used cars as well as other automotive related uses. It does not permit single-family residential dwellings. The non-conforming single-family residence adjacent to the subject site is the last remaining residence along this portion of Indiana Avenue, situated between Indiana Avenue, a major arterial, and the State Route 91 Freeway. The long-term development of this area suggests that the single-family residence will be repurposed into a commercial use in the near future which would remove the non-conforming residence. Staff concurs that based upon the justification the vinyl fencing will provide an adequate noise and screening between the commercial and the residential properties consistent with the intent of the Auto Center Specific Plan. Staff is able to make the required findings to support the variance request.

NEIGHBORHOOD COMPATIBILITY

The proposed auto sales business is compatible with the surrounding uses and the intent of the Riverside Auto Center Specific Plan. The proposed building architecture is consistent with the architecture of neighboring auto sales businesses as well as the architecture and design of the overall Riverside Auto Center. The project is designed to provide adequate access, circulation and on-site parking.

The project is compatible with the adjacent residential property as it includes a 5-foot landscape buffer area between the subject property and the residential property along with a solid vinyl fence. The project includes light posts which do not exceed 14 feet in height in an effort to reduce the amount of glare that could project onto the residential property. Finally, the proposed project is consistent with the goals and policies of the General Plan 2025 and Riverside Auto Center Specific Plan encourage growth in the auto sales industry within the area and revitalize underutilized properties.

ENVIRONMENTAL DETERMINATION

Planning Division Staff have determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15301 and 15332 of the CEQA Guidelines, as the project constitutes an existing facility and an infill development project.

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/Location Map
4. General Plan Map
5. Existing Specific Plan/Zoning Map
6. Proposed Specific Plan/Zoning Map
7. Project Plans (Title Page, Site Plan, Floor Plan, Demolition Plan, West/North Elevations, East/South Elevations, Color Elevations, Photometric Study, Precise Grading Plans, Planting Plan, Color Planting Plan, Landscape Plans)
8. Applicant Provided Variance Justifications
9. Existing Site Photos

Prepared by: Alyssa Berlino, Planning Technician

Reviewed by: Ted White, Deputy Director

Approved by: Rafael Guzman, Community and Economic Development Director



EXHIBIT 1 – FINDINGS

PLANNING CASES: P16-0617 (Rezone), P16-0618 (Design Review), and P17-0609 (Variance)

Rezone Findings pursuant to Chapter 19.810.040

- a. The proposed Zoning Map Amendment is consistent with the goals, policies, and objectives of the General Plan; and
- b. The proposed Zoning Map Amendment will not adversely affect surrounding properties; and
- c. The proposed Zoning Map Amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

Variance Findings pursuant to Chapter 19.720.040

- a. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

The proposal **complies** with this finding. Strict application of the required wall material specified in Section VI. Private Property Land Use Standards of the Riverside Auto Center Specific Plan would necessitate a masonry wall to be built on the shared property line between the commercial and residential properties. Masonry walls are required between commercial and residential properties to minimize the potential negative impacts commercial uses can impose on adjacent residential uses. Such negative impacts include concerns with privacy, noise levels above typical residential standards, and glare caused by parking lot lighting and vehicle headlights. Staff finds that utilizing vinyl fencing in place of a masonry wall can be equally as effective as a masonry wall in this particular case. While the subject residence, located on the east side of the project site at 7705 Indiana Avenue, is adjacent to the proposed commercial property, the placement of the sales office and customer/ employee parking is located on the westerly end of the project site, which minimizes any of the previously mentioned negative impacts that may have been inflicted upon the residential property. In addition, staff has been made aware that the homeowner of the subject residential property intends on selling the property to one of the neighboring commercial property owners. As a result, applying the strict application of the Zoning Code and Specific Plan requirements to a project that is designed to minimize impacts on the adjacent residential use and said residential property is intended to be rezoned in the near future presents a *practical difficulty and unnecessary hardship*.

- b. *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 located within the Riverside Auto Center Specific Plan. The Specific Plan permits the sale of new and used cars as well as other automotive related uses. It does not permit single-family residential dwellings. The non-nonconforming single-family residence adjacent to the subject site is the last

remaining residence along this portion of Indiana Avenue, situated between Indiana Avenue, a major arterial, and the State Route 91 Freeway. The long-term development of this area suggests that the single-family residence will be repurposed into a commercial use in the near future which would remove the non-conforming residence. As this is one of the few remaining non-conforming residences within the Specific Plan Area, there are unique circumstances that would justify the alternative material. The non-conforming single-family residence will still be protected from the potential impacts of the proposed sales lot as the vinyl fence would serve to reduce noise and eliminate headlight impacts on the residence, consistent with the intent of the masonry wall. This would constitute a unique circumstance to justify the granting of the variance.

- c. *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 intent of the block wall requirement is to ensure adequate protection of the adjacent residence from the impacts associated with commercial developments. These impacts primarily include noise and light. The installation of the vinyl fence in lieu of the masonry wall would provide the same buffer for noise and headlights as the block wall. The fence is proposed at 6 feet in height, as required by the specific plan, and is located adjacent to a 5 foot planter area which will provide additional noise and light attenuation. Further, unlike typical parking lots which include recurring vehicle starts and stops, the proposed lot will be used for the display of vehicles for sale. The anticipated noises are less than would be typical for a commercial parking lot. Further, the lights from the headlights will be full blocked by the fence, since the vinyl material is solid, unlike other materials such as wood. Based on these factors, the granting of this variance will not be material detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood.

- d. *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 Objective LU-76 of the General Plan to, "Ensure the long-term viability of the Riverside Auto Center" as the Riverside Auto Center Specific Plan carries out the objectives of the General Plan by providing detailed criteria for development of specific sites and public improvements. The objectives of the Riverside Auto Center Specific Plan is to:

- Focus: Keeping the center in a concentrated area with a focus on automobile sales.
- Identity: Providing a clear identity to the Center from the freeway, at entry points, and within the Center itself.
- Display: Providing attractive display space for automobiles.
- All Makes: Encouraging automobile franchises selling all makes of automobiles offered in the region to locate in the Center.
- Parking: Providing adequate and easy parking for customers.
- Aesthetics: Providing consumer friendly places. A cohesive, serene and friendly environment of the display, sale and servicing of motor vehicles. A place that cultivates and enhances the customer's enjoyment of shopping; both in the daytime and at night

through superior design of facilities - showrooms, customer reception areas, service and parts departments and outdoor display areas, streets and sidewalks.

The granting of the proposed variance will allow for the development of a new auto dealership consistent with the goals and policies of the Auto Center Specific Plan. Therefore, the granting of this request will not be contrary to the objectives of any part of the General Plan or Specific Plan.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: **P16-0617** (Rezone)
 P16-0618 (Design Review)
 P17-0609 (Variance)

CONDITIONS

• **Planning**

Prior to Issuance of Grading Permit:

1. 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:

2. 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.
3. 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.
4. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
5. 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.

6. 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.
7. 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:

8. 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.
9. 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.
10. 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.
11. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
12. **Staff Required Building Elevation Conditions:** Plans submitted for Building Plan Check shall include the following:
 - a. Clearly specify all materials and colors of exterior finishes on the building elevations.

Prior to Release of Utilities and/or Occupancy:

13. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the case planner to schedule the final inspection at least one week prior to needing the release of utilities.

Standard Conditions:

14. There shall be a 12-month time limit in which to commence construction of the project beginning the day following approval by the Planning Commission.
15. 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.
16. 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.
17. The Project must be completed per the Design Review approved by the City Council, including all conditions listed in this report.

• **Environmental Compliance**

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

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

19. If a sampling station is required—submit proposed installation on corrected plans.
20. 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.
21. 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.
22. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.

23. Other items for correction may need to be completed after actual plans are submitted for a formal review.

- **Fire Department**

24. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
25. Construction plans shall be submitted and permitted prior to construction.
26. Fire Department access shall be maintained during all phases of construction.

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

27. 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 – Engineering/Land Development**

28. Deed for widening Indiana Avenue to 44 feet from monument centerline to Public Works specifications.
29. 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.
30. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
31. 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.

32. Advisory – Property owner shall apply and be approved for a self-haul permit with the Solid Waste department or a trash enclosure will be required.

- **Public Utilities – Water**

33. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.
34. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
35. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
36. Advisory: Commercial properties with >5000 SF of landscape area are required to have a separate dedicated landscape water meter.
37. Advisory: Project will be required to abandon unused water services and install required services for the project to the parcel with the structure.

- **Public Utilities – Electric**

38. 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.
39. 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.
40. 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.
41. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
42. Plot existing electrical distribution facilities on the original site plan.

- **Riverside County Airport Land Use Commission**

43. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky.
44. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight

final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
45. Notice shall be given to all prospective purchasers and/or tenants of the property as Conditioned by the Riverside County Airport Land Use Commission.
46. No new detention basins are depicted on the site plan. Any new detention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.