



Community & Economic Development Department

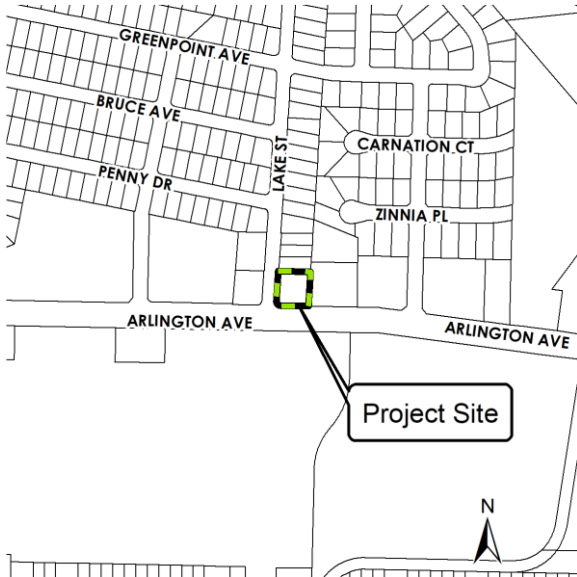
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Planning Division

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**PLANNING COMMISSION HEARING DATE: DECEMBER 13, 2018
AGENDA ITEM NO.: 02**

PROPOSED PROJECT

Case Numbers	P18-0646 (Conditional Use Permit), P18-0648 (Design Review) and P18-0649 (Variance)	
Request	To consider the following entitlements for the replacement of a vehicle fuel station: 1) a Conditional Use Permit to permit a vehicle fuel station (Chevron) including a fueling canopy with 8 gasoline pumps and a 2,230-square-foot convenience store; 2) Design Review of project plans; and 3) a Variance to allow a reduced rear yard building setback.	
Applicant	Karl Huy of Travis Companies, Inc.	
Project Location	8283 Arlington Avenue, at the northeast corner of Arlington Avenue and Lake Street	
APN	155-273-013	
Project area	0.48 acres	
Ward	7	
Neighborhood	Arlanza	
Specific Plan	N/A	
General Plan Designation	HDR – High-Density Residential	
Zoning Designation	CR – Commercial Retail	
Staff Planner	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P18-0646 (Conditional Use Permit), P18-0648 (Design Review), and P18-0649 (Variance), based on the findings outlined in the Staff Report and subject to the recommended conditions.

SITE BACKGROUND

The 0.48-acre site was annexed into the City in 1964. Surrounding land uses include single-family residences to the north; commercial retail and office uses to the east and west across Lake Street; and industrial uses to the south across Arlington Avenue (Exhibit 1).

Prior to the annexation, the site was developed with a full service fuel station that included vehicle repair bays and a fuel canopy with eight gasoline pumps. In July 1986, City Council approved a Conditional Use Permit (CU-034-856) to convert the vehicle repair bays to a 1,128-square-foot convenience store.

In September 1998, the property owner removed and replaced four leaking underground fuel storage tanks (USTs) and installed ground water monitoring wells. From August 2009 to May 2011, the operator removed material that had leaked from the soil and groundwater. In April 2015, the Santa Ana Regional Water Quality Control Board issued a Determination of No Further Action letter verifying the site had been satisfactorily remediated and that no further action is required.

PROPOSAL

The Applicant is requesting approval of a Conditional Use Permit (CUP) and Design Review (DR) to permit replacement of the existing vehicle fuel station with a new vehicle fuel station (Chevron) including a fuel canopy with eight gasoline pumps, a 2,230-square-foot convenience store, associated parking and landscaping. The Applicant is also requesting a Variance to allow a reduced rear yard building setback adjacent to a residentially zoned property, and CUP modifications to allow a reduced street side fuel canopy setback and operation of the vehicle fuel station on a lot smaller than one acre.

The site plan shows the convenience store building in the northeast corner, the fuel canopy in the center, and nine parking spaces, generally located along the north and east sides of the site. Two 40-foot-wide driveways, one along each street frontage (Arlington Avenue and Lake Street), provide vehicular access to the site. Perimeter landscaping includes 10-foot-wide planters along the north and east sides of the site, and planters ranging from 10 to 19 feet along both street frontages. A 6-foot-high masonry

wall is proposed along both interior (north and east) property lines. Existing underground fuel storage tanks (USTs) will remain in place.

The proposed vehicle fuel station and convenience store will operate 24 hours per day, seven days per week. The Applicant has indicated that fuel delivery is typically scheduled during off-peak mid-day hours. The vehicle fuel station will have an average of two employees on site during each of the three daily shifts. The sale of alcoholic beverages is not proposed as part of the proposed project.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The General Plan 2025 land use designation of HDR – High-Density Residential is inconsistent with the existing CR – Commercial Retail Zone (Exhibits 2 and 3). Zones consistent with the HDR General Plan land use designation include the R-3 – Multi-Family Residential Zones, which do not permit the existing or proposed vehicle fuel station. While the General Plan and Zoning Code are not consistent today, Planning records show that in 1986, when the convenience store Conditional Use Permit (CUP) was approved, the General Plan and Zoning were consistent. Although consistency between the General Plan 2025 land use designation and the zoning of a site is preferred, as a Charter City, General Plan and Zoning consistency is not required.</p> <p>The proposed project is consistent with General Plan 2025 Land Use and Urban Design Element policies promoting in-fill development and the rehabilitation and redevelopment of existing under-utilized commercial buildings, and for the Arlanza Neighborhood. Specifically:</p> <p>Policy LU-8.1: <i>Ensure well-planned infill development Citywide, allow for increased density in selected areas along established transportation corridors.</i></p> <p>Policy LU-28.2: <i>Encourage the rehabilitation or replacement of dilapidated housing units and buildings, discouraging further deterioration. Where necessary, seek to remove unsafe structures.</i></p> <p>Objective LU-34: <i>Enhance and improve the Arlanza neighborhood and its quality of life through careful land use planning that both builds upon the neighborhood's historic development patterns of urban, suburban and semirural development while protecting and preserving the neighborhood's natural features.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Consistent	Inconsistent
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CR – Commercial Retail, which permits vehicle fuel stations subject to the approval of a CUP and compliance with Site Location, Development, and Operational Standards. The proposed project complies with the applicable development standards prescribed by the Zoning Code, except for a reduced rear yard setback along the north property line, adjacent to a single-family residence; reduced canopy setback; and reduced lot size. The Applicant is requesting a Variance and CUP modifications to deviate from these standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Consistency with the Riverside County Airport Land Use Compatibility Plan for Riverside Municipal Airport</i></p> <p>The project site is located within Compatibility Zone D of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for Riverside Municipal Airport. Zone D shows low flight safety hazards and low to moderate noise impacts, and has a maximum average-acre land use intensity of 300 people per acre and a maximum single-acre land use intensity of 100 people per acre. The proposed project has a single- and average-acre land use intensity of 26 people per acre, which is consistent with the intensity criteria of Zone D. Appendix D (Compatibility Guidelines for Specific Land Uses) of the LUCP specifically lists vehicle fuel stations as a Generally Compatible use in Zone D. The proposed project is, therefore, consistent with the RCALUCP for the Riverside Municipal Airport.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for new commercial development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, landscaping, service area and equipment screening and lighting. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.110 – Commercial and Office Zones</i>					
Standard			Proposed	Consistent	Inconsistent
Floor Area Ratio	0.50		0.11	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks	Front	0 feet	80 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	11 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side	0 feet	69 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	15 feet	10 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Building Height	75 feet		21 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking	Retail – 1 space/250 sq. ft.	2,230 sq. ft. – 9 spaces	9 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.410 – Vehicle Fuel Stations</i>						
Standard			Proposed	Consistent	Inconsistent	Modified
Lot Area	1 acre		0.48 acre	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape Setbacks	Street Frontages	10 feet	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Interior Property Lines	5 feet	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Canopy Setback	Street Side	20 feet	18.5 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Perimeter Wall	6 foot high masonry wall		6 foot high solid wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

FINDINGS SUMMARY

Conditional Use Permit

The proposed project is consistent with established automotive-related uses including vehicle fuel stations and drive-thru restaurants along the Arlington Avenue corridor. Staff is able to make the necessary findings in support of the proposed project (Exhibit 4).

The proposed project continues an existing use with improvements to the site and operations. The proposed project is consistent with the majority of applicable standards. The proposed project design improves access and on-site circulation, minimizes potential conflicts between vehicles, pedestrians and bicyclists and improves the flow of vehicular ingress and egress. Improved lighting and visibility of the site from within the proposed building and reduced traffic conflicts will improve public safety on site and in the surrounding area. The Applicant has agreed to Staff-recommended Conditions of Approval (Exhibit 5) requiring revisions to the Conceptual Landscape Plan to ensure adequate screening of parking and fueling areas and to avoid interference with existing overhead electric lines.

The proposed project will visually enhance the existing site with new and expanded landscaped areas, decorative pavement at vehicular entries and contemporary architectural design consistent with current design standards and guidelines.

Variance

The Zoning Code establishes a minimum building setback of 15 feet when a property in the CR Zone abuts a property zoned for residential use. The proposed project includes a 10-foot building setback from the rear (north) line, which abuts a residentially zoned property. The Applicant has requested a Variance to allow a reduced rear yard building setback and has provided Variance Justifications (Exhibit 6).

Staff is able to make the necessary findings in support of the requested Variance to reduce the required rear yard building setback from 15 feet to 10 feet adjacent to a residentially zoned property. The proposed Variance allows for the optimal location of the convenience store building with respect to the access and circulation needs of fuel delivery trucks. Because of site constraints, a reduced rear yard building setback is necessary to accommodate the larger turning radii of the delivery trucks. The site design also eliminates a large area away from view of employees that has the potential to become a location for vandalism, littering and other issues.

Modifications

Section 19.410.060 of the Zoning Code allows for the modification of development standards specific to vehicle fuel stations through the consideration of a Conditional Use Permit. The Applicant requests the following modifications the proposed project, and justifications for the modifications are discussed below.

Lot Area

The Zoning Code requires that vehicle fuel stations be established on a lot area not less than one acre. The project site has an area of 0.48 acres; the Applicant is therefore requesting to modify this standard. Staff supports the modification as the existing fuel station use was established prior to the site's annexation to the City. Application of this standard would constitute an unnecessary burden on the proposed project, which would otherwise need to acquire adjacent property or relocate. In conjunction with the proposed site design improvements and increased operational efficiency, the requested modification to the lot area standard is appropriate.

Canopy Setback

The Zoning Code requires that vehicle fuel station canopies be set back a minimum of 20 feet from all property lines. The Applicant is requesting to modify this standard to allow the fuel canopy to be set back 18 and one-half feet from the south and west property lines. Staff supports the modification as it allows for efficient on-site circulation and eliminates potential conflicts between the canopy and high-clearance fuel delivery trucks. The property-adjacent parkway along Arlington Avenue will be landscaped to further minimize the visual effect of the reduced canopy setback.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, as the proposed project consists of the construction of a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 10,000 square feet in floor area on a site zoned for such use, where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

PUBLIC NOTICE AND COMMENTS

Staff mailed public hearing notices to property owners within 300 feet of the site informing them of the proposed project and inviting them to comment. As of the writing of the Staff Report, Staff has received no responses.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, 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. Location Map
2. General Plan Map
3. Zoning Map
4. Staff Recommended Findings
5. Staff Recommended Conditions of Approval
6. Applicant-Provided Variance Justifications
7. Project Description
8. Project Plans (*Site Plans, Building Elevations, Floor Plan, Building Cross Sections, Preliminary Grading Plan, Conceptual Landscape Plan, and Lighting Plan*)
9. Existing Site Photos

Prepared by:	Matthew Taylor, Associate Planner
Reviewed by:	Patricia Brenes, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner

*For Exhibits 1 through 3 and 6 through 9, please
see the accompanying attachment entitled
Exhibits 1-3, 6-9 (Combined)*



EXHIBIT 4 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P18-0646** (Conditional Use Permit)
P18-0648 (Design Review)
P18-0649 (Variance)

Conditional Use Permit Findings pursuant to Chapter 19.760.040

- a. The proposed project 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.
- b. The proposed project 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.
- c. The proposed project 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.

Vehicle Fuel Station Findings pursuant to Chapter 19.410.030

- a. The proposed project will not substantially increase vehicular traffic on streets in a residential zone, and the proposed vehicle fuel station will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.
- b. The proposed project will not substantially lessen the usability of adjacent or nearby commercially zoned property for commercial use by interfering with pedestrian traffic.
- c. The proposed project will not create increased traffic hazards to pedestrians as it is not located near a school, assemblies of people – non-entertainment or assemblies of people – entertainment use.
- d. The proposed project site is served by streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by such use.
- e. The proposed project site is adequate in size and shape to accommodate said use, and to accommodate all yards, walls, parking, landscaping and other required improvements.

Variance Findings pursuant to Chapter 19.720.040

Request: To allow a 10-foot rear yard building setback adjacent to residentially zoned property where 15 feet is required

1. *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 proposed project **complies** with this finding. The size of the project site constrains the site design such that strict compliance of this provision would require the proposed convenience store building be shifted south 5 feet, toward Arlington Avenue. This modification would impair safe and efficient on-site circulation and constrain access for fuel delivery trucks which must pass between the convenience store building and the fueling canopy. As a result, compliance with this provision could result in fuel delivery trucks needing to exit the site in reverse, creating a hazard to vehicles and pedestrians on westbound Arlington Avenue. Strict application of the Code in this instance would thus result in a practical difficulty inconsistent to the intent of the Zoning Code.

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

The proposed project **complies** with this finding. Because the site is smaller than is usually required for the existing and proposed use, the site design is dimensionally constrained. Further, the proposed vehicle fuel station use requires regular access by fuel delivery trucks with unique maneuvering requirements. The reduced setback facilitates safe maneuvering of vehicles notwithstanding the existing site constraints. These conditions constitute an exceptional circumstance not generally applicable to similar properties in the CR – Commercial Retail Zone.

3. *Granting this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The proposed project **complies** with this finding. The Applicant proposes a 10-foot landscaped planter along the northern property line, adjacent to the neighboring single-family residence, which exceeds the required five-foot landscaped planter. The location and orientation of the proposed convenience store building further buffers the neighboring residence from the light and noise affects associated with the operation of a vehicle fuel station. The proposed project will bring the site into conformance with a majority of the operational and development standards relating to circulation, safety, lighting, landscaping and water quality management. These factors result in a material benefit to the public welfare and to the surrounding neighborhood.

4. *Granting the request will not be contrary to the objectives of the General Plan.*

The proposal **complies** with this finding. The request will facilitate the implementation of a proposed project that is consistent with Policies LU-8.1 and LU-28.2 and Objective LU-34 of the Land Use and Urban Design Element of the General Plan 2025.



EXHIBIT 5 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: **P18-0646** (Conditional Use Permit)
 P18-0648 (Design Review)
 P18-0649 (Variance)

Case Specific

• **Planning Division**

1. Plans shall conform to the Exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of the proposed modifications. The Applicant is advised that an additional application and fee may be required.
2. The proposed project shall be developed and operated substantially as described in the text of this Staff 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.
5. *Advisory:* An encroachment permit may be required for the existing monument sign located within the Arlington Avenue right of way, subject to approval of the Public Works Department.

Prior to Grading Permit issuance:

6. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;

- b. Compliance with City-adopted interim erosion control measures;
- c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
- d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement; and
- e. Identification of location, exposed height, material and finish of any proposed retaining walls.

During Construction Activities

- 7. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
- 8. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
- 9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
- 10. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the proposed project site during all construction.
- 11. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
 - a. Dust generation 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. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;

- e. Trucks and other equipment leaving the site shall be washed;
 - f. All disturbed/loose soil shall be kept moist at all times;
 - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
12. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

Prior to Building Permit issuance:

13. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary. Landscape and irrigation plans shall include the following:
- a. A minimum three-tiered landscaped screen shall be provided along all street frontages consisting of a planted hedgerow (minimum 5-gallon containers), a row of accent shrubs (minimum 1-gallon containers) and groundcover (flats acceptable).
 - b. Along the easterly property line, plantings shall be specified within the existing Public Utilities Easement of a variety that will not interfere with existing overhead electrical lines.
 - c. Additional accent plantings shall be required to highlight and soften the appearance of the hard corner at Arlington Avenue and Lake Street.
 - d. A decorative masonry material with an overhanging masonry cap shall be specified for the perimeter wall, subject to Staff Approval.
14. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, backflow preventers, detector check assemblies, utility cabinets and other ground-mounted equipment subject to Planning Division and Public Utilities review and approval. The visibility of such facilities shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
15. The Applicant shall submit manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot as part of the exterior lighting plan. 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 building-mounted lights are proposed, down-lights shall be utilized. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material, within fifty (50) feet of any residentially zoned property.

Operational Conditions

16. The sale of beer and wine for off-site consumption shall not be permitted unless a separate Conditional Use Permit is approved for alcohol sales pursuant to the requirements of the Zoning Code.
17. The owner and/or occupant shall comply with all provisions of Section 19.410.040(G)(1)-(4) of the Zoning Code.
18. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to any City Staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
19. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

Standard Conditions

20. There shall be a one-year time limit to secure the necessary permits to commence construction beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
21. 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.
22. The Conditional 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. The Applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all

laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.

24. 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. The Applicant 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.
25. The Applicant 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 Conditional Use Permit shall be cause for revocation.

- **Public Works**

Contact Jeff Hart at 951-826-5875 or jthart@riversideca.gov with questions regarding the following Public Works Land Development conditions:

27. Cash in lieu for installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching paving on Arlington Avenue to Public Works specifications.
28. Installation of sidewalk behind existing curb on Lake Street and Arlington Avenue to Public Works specifications.
29. Deed for widening Lake Street to 33' from monument centerline prior to building permit issuance.
30. Deed for widening Arlington Avenue to 60' from monument centerline prior to building permit issuance.
31. Installation of sewer laterals to serve this project to Public Works specifications. If existing lateral to be utilized a video inspection to confirm viability will be required prior to connection.
32. Size, number and location of driveways to Public Works specifications.
33. Closure of unused driveway openings on Lake Street and Arlington Avenue to Public Works specifications.

34. Right-of-way corner cutback at intersection of Lake Street and Arlington Avenue per Public Works specifications.
35. Off-site improvement plans to be approved by Public Works prior to issuance of a construction permit.
36. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to issuance of a building permit.
37. City Standard Trash Enclosure per Public Works specifications.
38. 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.

39. 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.

40. 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.
41. 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.
42. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
43. Planting of 24" Box Size Magnolia grandiflora 'St Mary' required along Arlington Avenue with root barrier along hardscapes. Typical spacing is approximately 35 feet, Street Tree Inspector will spot for planting when final grading and construction is completed.
44. Installation of automatic irrigation system to provide deep-root watering to trees is required.
45. Applicant to apply for encroachment permit to allow existing monument sign to remain in place until Arlington Avenue is widened to ultimate width. At time of future widening property owner shall be responsible to remove and relocate existing sign onto private property at their expense.

- **Fire Department**

Contact Michelle Douglass at 951-826-5828 or mdouglas@riversideca.gov with questions regarding the following Fire Department conditions:

46. An automatic fire sprinkler system is required by City Ordinance 16.32.335. 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.

47. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
48. Construction plans shall be submitted and permitted prior to construction.
49. Fire Department access shall be maintained during all phases of construction.
50. Plans for underground tanks and/or new piping shall be submitted to the Fire Department for review and permit. Plans shall be stamped approved by the Riverside County Health Department, Hazardous Materials Division.\

- **Public Utilities Electric**

Contact Addie Revuelta at 951-826-5484 or arevuelta@riversideca.gov with questions regarding the following Fire Department conditions:

51. 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.
52. The provision of utility easements, water, streetlights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
53. 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.

54. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. As well as streetlight relocations.
55. Revise the plans submitted for Building Permit Plan Check to show proposed location of transformer and switchgear.
56. Plot existing electrical distribution facilities on the original site plan

- **Public Utilities – Water**

Contact Chris Gross at 951-826-5370 or cgross@riversideca.gov with questions regarding the following RPU Water conditions:

57. The project shall install a separate water meter for landscape irrigation, and a new fire service connection

- **Parks, Recreation & Community Services**

Contact Randy McDaniel at 951-826-2000 or rmcdaniel@riversideca.gov with questions regarding the following PRCSD conditions:

58. 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.
59. On the building permit set of drawings, please provide demolition square footage as well as new construction square footage, or a copy of the demo plan.